EDITOR'S NOTE

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Supreme Court, U.S.
FILED

(2)

No. 02 1562 FEB 18 2003

OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

MARGARET A. MADIGAN,
Petitioner, pro se,

v.

NABISCO BRANDS, INC./RJ REYNOLDS COMPANY, INC.,
Respondent.

On Petition For Writ Of Certiorari
To The United States Court of Appeals for The Sixth Circuit

PETITION FOR WRIT OF CERTIORARI

Margaret A. Madigan,
Petitioner, pro se
295 Westview Ave.
Wadsworth, Ohio 44281
(330)-336-6987

APPENDIX D (EXHIBITS)

10.7.02

PETITIONER'S DEPOSITIONS

26, 27, 28

QUESTIONS FOR DEPOSITION

1) Did Peggy Madigan park daily in designated handicap parking space?

Not sure.

2) Was that space visible from plant manager, Mark Perkins office?

Yes.

3) Did you ever complain of respiratory problems incurred on job at RJR Nabisco – Seville, Ohio Plant to RJR Nabisco Management either directly or through union or any other representative of you? If yes, please elaborate. No.

4) Did you ever witness Peggy Madigan being exposed to excessive heat on her job at RJR Nabisco Seville, Ohio Plant? Yes

5) Was Peggy Madigan's desk located beside a sliding glass window, which was opened frequently to access the plant in order to communicate with other employees or truck drivers?

Yes

6) Do you recall the temperature in the plant ever reaching an excessive temperature?

Yes, over 90 at times.

7) Were you ever exposed to excessive heat on your job at RJR Nabisco, Seville, Ohio Plant?

Yes, while passing out pay checks.

PLAINTIFF'S EXHIBIT 26

8) Were you asked to sign RJR Nabisco's Separation Agreement? If so, did it include the following #14 on attached page? (Let court record indicate that exhibit #9, page 4 of 5, being presented to witness and is agreement to which witness is acknowleging in reference to this question.)

Yes.

9) Have you ever witnessed Peggy Madigan's work being praised? If yes, who praised work

No. Always asking for more no matter.

10) Were you aware that Peggy Madigan has multiple Sclerosis? If yes, did you know while she was still employed with RJR Nabisco? Yes. Peggy presented a letter from her doctor to the Personnel office stating she had MS.

11) Do you have any health ailments that were diagnosed while employed at RJR Nabisco? If yes, please state illness. No.

12) Were you directly or indirectly aware that Peggy Madigan had made request to management of RJR Nabisco for "...Better air Ventilation?" Yes

13) Were you aware of any ventilation problems or issues at RJR Nabisco's Seville Plant?

Yes

14) Were you aware of Peggy Madigan's assisting in training of the new production planner?

No

15) Did you witness Peggy Madigan being subjected to duress by any member of RJR Nabisco's

Management? If yes, please elaborate. Yes. Always being given more work to do. They would terminate a job and pass the work on

16) Did any member of RJR Nabisco's management subject you to duress? If yes, please elaborate.

Yes - moved from Personnel to Accounting stating I wasn't a team player. Had no experience & was given little help. Felt they wanted me to fail.

17) To your knowledge, was any member of RJR Nabisco's management aware of any problems or issues with ventilation within Seville, Ohio Plant? If yes, please elaborate. Yes, there were areas of plant that you were to wear respirators due to air-borne dust (product)

18) Do you or anyone else of whom you are aware who was employed at Seville Ohio RJR Nabisco Plant have multiple Sclerosis? If yes, please identify individual afflicted.

Dale Riley, Clyde King

19) Did you or anyone else of whom you are aware who was employed at Seville, Ohio Plant feel "pressured into signing separation agreement? If yes, please elaborate and identify individual.

Yes. I knew if I didn't sign and take the peturement package they would do away with my job and I was to leave with benefits as my husband had petired. They knew that. Others, unnamed because of fear of retaliation.

20) Are you aware of location of any existing or previously existing RJR Nabisco facilities, which have and or are currently handling processing and/or production of any aspartame materials and/or products? If yes, please list plant and location.

Indianapolis for a time but not sure if that business was sold off.

21) Are you aware of any OSHA investigations, which took place, while you were employed at RJR Nabisco's Seville, Ohio plant? If yes, please elaborate.

D. Beach filed complaint about Aspartame. Nabisco was not cited after inspection. This was in the 80's.

22) Were you or anyone of whom you are aware, who was employed at RJR Nabisco's Seville, Ohio plant "Encouraged" to retire or resign? If yes, what was age of this individual?

I was 53, others who left were between 40 and 55.

23) Did you ever complain of skin irritations, which you or your doctor attributed to exposure to aspartame dust, which occurred while employed at RJR Nabisco's Seville, Ohio plant? If yes, please elaborate. No.

24) Were you or was anyone of whom you are aware diagnosed with any ailment while employed at RJR Nabisco? If yes, please elaborate. Yes.
Strokes, heart attacks, diabetis, cancer.

25) Are you aware of any former employee or coworker of RJR Nabisco who died during or since their employment with RJR Nabisco? If yes, please state name of individual & affliction, which claimed his or her life.

A. Yost - Cancer
J. Leasure - Cancer
W. Brazil - Cancer
C. Hagar - Heart
Ed. Bremston / Heart / Diabetes
Anna Gunnels - Hear
Dona Burgess - Can
Charles Idsick - Heart
Bill Galleton - Idea
B. Pursley - ?
Craig Hoskins - Hear

I have answered this foregoing to the best of knowledge.

Constance J. Bihari
4865 W. West Salem Road
Burbank, Ohio 44214

Signature Constance J Bihari Date 9-20-01

Notary Public: Pat Snoddy 9/20/01

Pat Snoddy
Notary State of Ohio
Commission expires 3/18/03

QUESTIONS FOR DEPOSITION

1) Did Peggy Madigan park daily in designated handicap parking space? yes

2) Was that space visible from plant manager, Mark Perkins office? yes

3) Did you ever complain of respiratory problems incurred on job at RJR Nabisco – Seville, Ohio Plant to RJR Nabisco Management either directly or through union or any other representative of you? If yes, please elaborate. yes. Complained to my boss at the time, Tim Ault of excessive smoke in area outside my office due to wise people smoking. This area was area where Peggy sat also.

4) Did you ever witness Peggy Madigan being exposed to excessive heat on her job at RJR Nabisco Seville, Ohio Plant? yes

5) Was Peggy Madigan's desk located beside a sliding glass window, which was opened frequently to access the plant in order to communicate with other employees or truck drivers? yes

6) Do you recall the temperature in the plant ever reaching an excessive temperature? no

7) Were you ever exposed to excessive heat on your job at RJR Nabisco, Seville, Ohio Plant?
no, had my own office with a window

PLAINTIFF EXHIBIT 27

8) Were you asked to sign RJR Nabisco's Separation Agreement? If so, did it include the following #14 on attached page? (Let court record indicate that exhibit #9, page 4 of 5, being presented to witness and is agreement to which witness is acknowleging in reference to this question.) yes

9) Have you ever witnessed Peggy Madigan's work being praised? If yes, who praised work

yes. Darrell Krueger

10) Were you aware that Peggy Madigan has multiple Sclerosis? If yes, did you know while she was still employed with RJR Nabisco? yes, I did know while she was employed at Nabisco.

11) Do you have any health ailments that were diagnosed while employed at RJR Nabisco? If yes, please state illness. no

12) Were you directly or indirectly aware that Peggy Madigan had made request to management of RJR Nabisco for "...Better air Ventilation?" yes, directly aware

13) Were you aware of any ventilation problems or issues at RJR Nabisco's Seville Plant?

yes, in area around Peggy's desk

14) Did you witness Peggy Madigan being subjected to duress by any member of RJR Nabisco's Management? If yes, please elaborate. yes, by Tim Ault, Mary Ellen Valitis, Mark Perkins. They seemed to find fault with Peggy's on the job duties. 2

15) Did any member of RJR Nabisco's management subject you to duress? If yes, please elaborate.

yes. Maryellen Valitis, and Mark Perkins. During last six months of my employment I felt badgered into leaving.

16) To your knowledge, was any member of RJR Nabisco's management aware of any problems or issues with ventilation within Seville, Ohio Plant? If yes, please elaborate.

yes. I felt that Tim Ault was made aware of the ventilation issue, along with HR Mgr. Maryellen Valitis

17) Do you or anyone else of whom you are aware who was employed at Seville Ohio RJR Nabisco Plant have multiple Sclerosis? If yes, please identify individual afflicted.

yes. Peggy Madigan.

18) Did you or anyone else of whom you are aware who was employed at Seville, Ohio Plant feel "pressured into signing separation agreement? If yes, please elaborate and identify individual.

yes. Peggy Madigan

19) Are you aware of location of any existing or previously existing RJR Nabisco facilities, which have and or are currently handling processing and/or production of any aspartame materials and/or products? If yes, please list plant and location.

No, just Seville plant to my Knowledge.

20) Are you aware of any OSHA investigations, which took place, while you were employed at RJR Nabisco's Seville, Ohio plant? If yes, please elaborate.

no not aware.

21) Were you or anyone of whom you are aware, who was employed at RJR Nabisco's Seville, Ohio plant "Encouraged" to retire or resign? If yes, what was age of this individual?

yes, Peggy Madigan - age 47
yes, myself - age 40

22) Did you ever complain of skin irritations, which you or your doctor attributed to exposure to aspartame dust, which occurred while employed at RJR Nabisco's Seville, Ohio plant? If yes, please elaborate. no

23)Were you or was anyone of whom you are aware diagnosed with any ailment while employed at RJR Nabisco? If yes, please elaborate. no, not aware

24) Are you aware of any former employee or coworker of RJR Nabisco who died during or since their employment with RJR Nabisco? If yes, please state name of individual & affliction, which claimed his or her life. yes, Bob Gallatin heart problems.

25) Did Peggy Madigan answer questions and assist you in job operations? If so, please elaborate.
when I first started at Nabisco Peggy orientated me to the area, since it was near where she worked.

I have answered this foregoing to the best of knowledge.

Jean Boling
5310 Maple Crest
Parma, Ohio 44134

Signature Jean Boling Date 9/24/01

Notary Public: Rose Marie Melfi - 9/24/01

ROSE MARIE MELFI
Notary Public, State of Ohio, Lake Cty.
My Commission Expires July 23, 2002

QUESTIONS FOR DEPOSITION

1) Did Peggy Madigan park daily in designated handicap parking space?
NOT SURE

2) Was that space visible from plant manager, Mark Perkins office?
NOT SURE

3) Did you ever complain of respiratory problems incurred on job at RJR Nabisco – Seville, Ohio Plant to RJR Nabisco Management either directly or through union or any other representative of you? If yes, please elaborate. YES, ONCE WHEN A LAB PERSON PUT A CHEMICAL IN THE COMPACTOR AND THE DUST COLLECTOR BLEW IT ONTO THE DOCK WHICH I WAS WORKING. NOTIFIED SUPERVISOR (BOB AKERS) AND WAS SENT TO THE COMPANY DOCTOR FOR TESTS.

4) Did you ever witness Peggy Madigan being exposed to excessive heat on her job at RJR Nabisco Seville, Ohio Plant? YES

5) Was Peggy Madigan's desk located beside a sliding glass window, which was opened frequently to access the plant in order to communicate with other employees or truck drivers?
YES

6) Do you recall the temperature in the plant ever reaching an excessive temperature?
YES

7) Were you ever exposed to excessive heat on your job at RJR Nabisco, Seville, Ohio Plant?
YES

PLAINTIFF'S EXHIBIT 38

8) Were you asked to sign RJR Nabisco's Separation Agreement? If so, did it include the following #14 on attached page? (Let court record indicate that exhibit #9, page 4 of 5, being presented to witness and is agreement to which witness is acknowleging in reference to this question.)
YES. I BELIEVE SO.

9) Have you ever witnessed Peggy Madigan's work being praised? If yes, who praised work
YES, BY HER BOSSES, BOB BYERS AND SEVERAL OTHERS.

10) Were you aware that Peggy Madigan has multiple Sclerosis? If yes, did you know while she was still employed with RJR Nabisco? I WAS AWARE THAT SHE WAS HAVING SOME HEALTH PROBLEMS, BUT WASN'T SURE WHAT WAS THE PROBLEM.

11) Do you have any health ailments that were diagnosed while employed at RJR Nabisco? If yes, please state illness. YES, HEADACHES AND ANXIETY PROBLEMS.
ASPARTAME WAS STORED ABOVE MY OFFICE ONLY ABOUT 10' FROM A HEATER THAT HEATED THE WAREHOUSE IN THE WINTER

12) Were you directly or indirectly aware that Peggy Madigan had made request to management of RJR Nabisco for "...Better air Ventilation?" YES.

13) Were you aware of any ventilation problems or issues at RJR Nabisco's Seville Plant?
YES.

14) Were you aware of Peggy Madigan's assisting in training of the new production planner?
YES

15) Did you witness Peggy Madigan being subjected to duress by any member of RJR Nabisco's

Management? If yes, please elaborate.
YES, MUCH LIKE MYSELF, DURING THE PLANTS "DOWNSIZING", MORE WORK WAS DELIGATED TO OTHERS TO COVER THOSE THAT WERE "LET GO."

16) Did any member of RJR Nabisco's management subject you to duress? If yes, please elaborate.
YES, AS STATED ABOVE.

17) To your knowledge, was any member of RJR Nabisco's management aware of any problems or issues with ventilation within Seville, Ohio Plant? If yes, please elaborate.
YES, IN THE WINTER WHEN EVERTHING WAS CLOSED UP, THE DUST COLLECTORS IN THE PLANT CAUSED A "VACUUM" IN THE PLANT. YOU COULD WITNESS THIS WHEN EXITING ANY DOOR TO THE OUTSIDE. HAD SEVERAL PEOPLE IN SHIPPING COMPLAIN OF NO FRESH AIR AND TIREDNESS.

18) Do you or anyone else of whom you are aware who was employed at Seville Ohio RJR Nabisco Plant have multiple Sclerosis? If yes, please identify individual afflicted.
NOT THAT I WAS AWARE OF.

19) Did you or anyone else of whom you are aware who was employed at Seville, Ohio Plant feel "pressured into signing separation agreement? If yes, please elaborate and identify individual.
YES, MYSELF, AND I BELIEVE MANY OTHERS. DIDN'T APPEAR TO HAVE AN OPTION. SEEMED TO BE THAT WE EITHER SIGN IT OR WE WOULDN'T RECEIVE ANYTHING.

20) Are you aware of location of any existing or previously existing RJR Nabisco facilities, which have and or are currently handling processing and/or production of any aspartame materials and/or products? If yes, please list plant and location. YES, ALL THE ASPARTAME AND OTHER INGREDIENTS WERE SENT TO THE PLANT THAT TOOK OVER OUR PRODUCTION.

21) Are you aware of any OSHA investigations, which took place, while you were employed at RJR Nabisco's Seville, Ohio plant? If yes, please elaborate.

NO.

22) Were you or anyone of whom you are aware, who was employed at RJR Nabisco's Seville, Ohio plant "Encouraged" to retire or resign? If yes, what was age of this individual?

THERE WERE SEVERAL PEOPLE DURING THE "DOWNSIZING" THAT WERE "LET GO", INCLUDING MY BOSS BOB BUERS. NOT REALLY SURE OF HIS OR OTHERS AGES.

23) Did you ever complain of skin irritations, which you or your doctor attributed to exposure to aspartame dust, which occurred while employed at RJR Nabisco's Seville, Ohio plant? If yes, please elaborate. NO

24) Were you or was anyone of whom you are aware diagnosed with any ailment while employed at RJR Nabisco? If yes, please elaborate. YES, CHUCK WAGARS' HAND ALWAYS BROKE OUT AND CRACKED WHILE WORKING WITH ASPARTAME PRODUCTS.

25) Are you aware of any former employee or coworker of RJR Nabisco who died during or since their employment with RJR Nabisco? If yes, please state name of individual & affliction, which claimed his or her life. THERE HAVE BEEN SEVERAL, INCLUDING CHUCK WAGA THAT HAVE DIED. NOT SURE OF FINAL DIAGNOSIS, OR NAMES OF OTHERS.

I have answered this foregoing to the best of knowledge.

George Dafo
311 East Walnut Street
Wadsworth, Ohio 44281

Signature George A Dafo Date 9-25-01

Signed in my presence this 25 day of Sept 2001

Notary Public: Vicki L. Lynnike

My commission expires 3-20-2006

EXHIBIT E

20,58, B, C, J, K

MEDICAL STATUS
OF PETITIONER

THE CLEVELAND CL
FOUNDA

R. Philip Kinkel
Medical
Mellen Center for MS T
and Resear
Office: 216
E-mail: kinkelr

September 20, 2001

Re: Margaret Madigen
295 Westview Ave.
Wadsworth, Ohio 44281

CCF: 1-805-531-7

To Whom It May Concern:

The above named patient has been followed in The Cleveland Clinic Foundation Department of Neurology since 1988. I have followed her since 1995. She carries a diagnosis of multiple sclerosis with an onset in November 1988 and the diagnosis definitively rendered in December 1992. This is of the relapsing remitting type. The diagnosis has been verified by imaging studies as well as spinal fluid analysis.

Over 80% of MS patients experience heat related worsening of symptoms with rather minimal elevation of ambien temperature or core body temperature. Therefore we recommend air conditioning for all patients to avoid the excessive fatigue and worsening of symptoms associated with elevation in body temperature.

If I can answer any further questions please feel free to contact my office.

Sincerely,

R. Philip Kinkel, M.D.

RPK:sb

Enclosure

Robin Treece-Howard
Notary Public-State of Ohio
My Commission Expires Feb. 10, 2005

THE CLEVELAND CLINIC FOUNDATION
9500 Euclid Avenue Cleveland, Ohio 44195-5226
A National Referral Center An International Health Resource

Hiroshi Mitsumoto, M.D.
Neurology / S90
216/444-5418

September 16, 1992

Mrs. Margaret Madigan
295 Westview
Wadsworth, OH 44281

CC#: 1-805-531-7

Dear Mrs. Madigan:

It was a pleasure meeting you on July 21, 1992. You were referred to us from the Primary Care Department at the Cleveland Clinic. Let me summarize your complaints.

About 10 days prior to your visit you noticed left upper extremity weakness. You also had mild tingling in the left hand, lasting minutes. The next day during an indian pow wow, you began dropping things when using your left hand. Over the next five days, this got worse to the point that the left hand was quite useless. There was no sensory loss, cranial nerve symptoms, balance problems or problems with bladder or bowel. The other three limbs were unaffected. There was no progression of your symptoms. You denied pain and tingling.

In 1988, you were seen by Dr. Sweeney at the Cleveland Clinic for a history of rightsided incoordination and slurred speech and blurred vision. An MRI at that time showed right middle cerebellar peduncle "lesion". These symptoms improved over six weeks. Later, you had a transient episode of "a shade being pulled in front of your right eye".

Your past history was significant for fibromyalgia in 1985, urinary tract infection and being overweight.

The general physical examination was unremarkable. On the neurological examination there was a left arm drift. Pronation and supination were mildly weak and the wrist dorsiflexion was 3+/5, wrist volar flexion was 2+/5, finger extensors 1/5, hand intrinsic 0/5. Muscle stretch reflexes were slightly diminished in the left biceps. The remainder were normal. The remainder of the neurologic examination was within normal limits.

We did a number of laboratory tests. A complete blood count and serum chemistry profile were normal. Sedimentation rate was 10

COPY CHART COPY

mm/hour. Blood lead levels were normal. A visual evoked potential was within normal limits. Serum B12 level was 240 mcg/ml (normal). Cerebral spinal fluid (spinal tap) evaluation showed an RBC count of 3/ul, WBC count of 18/ul and a differential count was 93% lymphocytes and 3% monocytes. The CSF glucose was 63 against a blood glucose of 89. A Tourtellotte formula was obtained and this showed an increased CSF IgG of 15.1 mg/dl, IgG/albumin ratio of 0.60, IgG synthesis rate of 55.2 mg/day and an IgG index of 1.77. All these clearly abnormal values. A serum anticardiolipin antibody was obtained and this showed moderately elevated IgG but normal IgM and IgA.

An MRI of the head showed multiple foci of abnormal signal in the white matter bilaterally, compatible with a demyelinating lesion.

A surface echocardiogram was within normal limits.

A lipid profile showed a total cholesterol of 235 which is moderately elevated and an LDL cholesterol of 161 which is high and a HDL cholesterol of 36.

As I discussed with you, the overall picture seems to fit best with a demyelinating illness such as multiple sclerosis. We suggest the following: 1) avoid situations which could potentially increase body temperature; 2) follow-up with us in six months. Please call for an appointment approximately two months' prior to the expected date of the appointment; 3) if you are interested in looking at research protocols for multiple sclerosis, we could refer you to the Mellen Center; 4) no specific intervention is indicated at this time; 5) consultation with a general physician regarding management of the moderately elevated cholesterol.

Once again, it was a pleasure participating in your care. Please do not hesitate to call us with any questions.

Yours sincerely,

Suresh Kumar

Suresh Kumar, M.D.
In the Service of

Hiroshi Mitsumoto, M.D.

SK/as
rec'd 9-17-92/tr. 9-18-92

COPY

Office Visit

Patient Info

Patient Name	Sex	DOB	SSN
Madigan, Margaret A (18055317)	Female	08/12/1949	261-86-40-41

Contact Information

Date & Time	Provider	Department	Encounter #	Center
09/19/2001 4:00 PM	Revere Kinkel	Neur Mellen Ctr Main	14967498	NEUR U Bldg

Allergies as of 09/19/2001

Agent	Noted	Allergy Reaction
NONE	07/31/2001	Not Noted

Date Verified: 07/31/2001

Reason for Visit

Reason for Visit
Recheck [92]

Diagnoses

Visit Diagnosis
MULTIPLE SCLEROSIS [340]

Follow-up and Disposition

Disposition
Return visit in approximately 6 months, kinkel/namey

Progress Notes

REASON FOR VISIT: Report after MRI

PRINCIPLE NEUROLOGIC DIAGNOSIS: Definite MS

HISTORY OF ILLNESS:
Date of onset: 11/88
Date of diagnosis: 12/92
Disease course from Onset: Exacerbating/Remitting
Disease course last year: Exacerbating/Remitting

Medications for MS Used in the Past: none

Narrative Describing Problems :
FROM 7/31/01 VISIT RPK WROTE: Last seen 4 years ago. Relatively stable until this Spring. While driving in car experienced an "out of body" experience. Felt dissociated. Episode lasted 30 minutes. Since this time she reports more difficulty with comprehending questions and queries, remembering things, and reading.
Concerned about her ability to continue working
Now working as an accountant for a new company. Let go from Nabisco in 1997. There is a law suit pending against nabisco for failure to accomodate her disability.

Never got CPAP since she had no insurance coverage.

TODAYS VISIT HISTORY: reports completing NP testing. reviewed Dr Chelunes note. Relatively normal and not substantiating complaints. No other new problems

Diagnostic Testing since last visit:
MRI BRAIN 9/19/01 : No old films available to compare today. No active lesions. Moderate T2 burden. No signficant atrophy

Domestic Violence: Have you been hit, kicked, punched, or otherwise hurt by someone within the past year? no If so, by whom?

REVIEW OF SYSTEMS:
Review of systems including systemic, neurologic, ophthalmologic, respiratory, gastrointestinal, dermatologic, and gynecologic were all reviewed from the patient questionnaire and were negative with the exception of those listed above in the narrative.

PHYSICAL EXAMINATION:
Mental Status: There are no deficits of cognition, language or prosody on interview but she seems easily baffled following directions on examination. Formal NP testing was not performed today.

Cranial Nerves:

Visual Acuity	OD: 20/25 OS:20/30 Corrected: yes
Optic Discs	OD: NT OS:NT
CN III, IV, VI	Pursuit and saccadic eye movement are normal
CN V-XII	Normal

Motor Function:

Strength:	Right	Left
Deltoids	5	5
Wrist Extensors	5	5
Hand Intrinsics	5	5
Hip Flexors	5	5
Ankle Dorsiflexors	5	5

Spasticity:
RUE: None
LUE: None
RLE :None
LLE: None

Cerebellar: finger to nose testing was normal. Heel to shin testing was normal.

Sensation: Normal to all modalities.

Gait: Unstressed observation of gait was normal. The patient was able to tandem walk 10 steps but was hesitant. The patient did not require assistance for safe ambulation.

DISABILITY SCORES:
EDSS (estimated): 1.5
Ambulation Time (25 feet): 7.0 secs.

Distance Walk: 500m
Assistance Required: independent
9-Hole Peg Test:

	First	Second
RUE	NT	NT
LUE	NT	NT

ASSESSMENT:
340 MULTIPLE SCLEROSIS
Note: Relatively stable by all criteria (exam, MRI and NP testing). Embroiled in legal controversy with former employer which may have increased stress and contributed to current cognitive complaints.
Plan:
1. Compare todays MRI to 1995 MRI and write letter
2. No disease modifying therapy for now

780.57 Sleep apnea
Note: Persists and responsible for fatigue
Plan: Get CPAP when she can

Follow-up: 6 months

R. Philip Kinkel, MD

Problem List	Problem	Noted	Resolved
	MULTIPLE SCLEROSIS[340]	9/19/2001	No

Copy received via email 6/29/95

[redacted] This letter submitted to VB human resources 4/29/95 verify my disability (Multiple Sclerosis

THE CLEVELAND CLINIC FOUNDATION

9500 Euclid Avenue Cleveland, Ohio 44195-5226

A National Referral Center An International Health Resource

Hiroshi Mitsumoto, M.D.
Neurology S90
216/444-5418

September 16, 1992

Mrs. Margaret Madigan
295 Westview
Wadsworth, OH 44281

CC#: 1-805-531-7

Dear Mrs. Madigan:

It was a pleasure meeting you on July 21, 1992. You were referred to us from the Primary Care Department at the Cleveland Clinic. Let me summarize your complaints.

About 10 days prior to your visit you noticed left upper extremity weakness. You also had mild tingling in the left hand, lasting minutes. The next day during an indian pow wow, you began dropping things when using your left hand. Over the next five days, this got worse to the point that the left hand was quite useless. There was no sensory loss, cranial nerve symptoms, balance problems or problems with bladder or bowel. The other three limbs were unaffected. There was no progression of your symptoms. You denied pain and tingling.

In 1988, you were seen by Dr. Sweeney at the Cleveland Clinic for a history of rightsided incoordination and slurred speech and blurred vision. An MRI at that time showed right middle cerebellar peduncle "lesion". These symptoms improved over six weeks. Later, you had a transient episode of "a shade being pulled in front of your right eye".

Your past history was significant for fibromyalgia in 1985, urinary tract infection and being overweight.

The general physical examination was unremarkable. On the neurological examination there was a left arm drift. Pronation and supination were mildly weak and the wrist dorsiflexion was 3+/5, wrist volar flexion was 2+/5, finger extensors 1/5, hand intrinsic 0/5. Muscle stretch reflexes were slightly diminished in the left biceps. The remainder were normal. The remainder of the neurologic examination was within normal limits.

We did a number of laboratory tests. A complete blood count and serum chemistry profile were normal. Sedimentation rate [illegible]

PLAINTIFF'S EXHIBIT 13

mm/hour. Blood lead levels were normal. A visual evoked potential was within normal limits. Serum B12 level was 240 mcg/ml (normal). Cerebral spinal fluid (spinal tap) evaluation showed an RBC count of 3/ul, WBC count of 18/ul and a differential count was 93% lymphocytes and 3% monocytes. The CSF glucose was 63 against a blood glucose of 89. A Tourtellotte formula was obtained and this showed an increased CSF IgG of 15.1 mg/dl, IgG/albumin ratio of 0.60, IgG synthesis rate of 55.2 mg/day and an IgG index of 1.77. All these clearly abnormal values. A serum anticardiolipin antibody was obtained and this showed moderately elevated IgG but normal IgM and IgA.

An MRI of the head showed multiple foci of abnormal signal in the white matter bilaterally, compatible with a demyelinating lesion.

A surface echocardiogram was within normal limits.

A lipid profile showed a total cholesterol of 235 which is moderately elevated and an LDL cholesterol of 161 which is high and a HDL cholesterol of 36.

As I discussed with you, the overall picture seems to fit best with a demyelinating illness such as multiple sclerosis. We suggest the following: 1) avoid situations which could potentially increase body temperature; 2) follow-up with us in six months. Please call for an appointment approximately two months' prior to the expected date of the appointment; 3) if you are interested in looking at research protocols for multiple sclerosis, we could refer you to the Mellen Center; 4) no specific intervention is indicated at this time; 5) consultation with a general physician regarding management of the moderately elevated cholesterol.

Once again, it was a pleasure participating in your care. Please do not hesitate to call us with any questions.

Yours sincerely,

Suresh Kumar

Suresh Kumar, M.D.
In the Service of

Hiroshi Mitsumoto, M.D.

SK/as
rec'd 9-17-92/tr. 9-18-92

pw 7/25/96

THE CLEVELAND CLINIC FOUNDATION
9500 Euclid Avenue (At East 93rd Street)
Cleveland, Ohio 44195 Telephone: (216) 444-2200

NOT VALID FOR SCHEDULED DRUGS

DATE PRESCRIBED 7/3/95

Patient Name: Margaret Madigan MRI Story No.:

Street Address: City: State:

℞ Ms Madigan is having a flare of multiple sclerosis, and I advised her to take a week's rest.

☐ Do Not Refill ☐ Refill Times _____ ☐ Label

℞

☐ Do Not Refill ☐ Refill Times _____ ☐ Label

℞

☐ Do Not Refill ☐ Refill Times _____ ☐ Label

MARK E. MAYER, MD
(Prescriber's Printed Name)

Mark E. Mayer, MD
(Prescriber's Signature)

82180 Rev. 11/92

PLAINTIFF'S EXHIBIT C

12/21/96

1) I have made the following observation of Peg's condition:

Peg is and has been experiencing physical symptoms which may lead to a more serious exacerbation of her multiple sclerosis as a direct result of undue stress being subjected to at work by hostile work environment which is being perpetuated by management. For example, "counseling notes" which were presented to her on 12/20/96 by Tim Ault and Maryellen Valaitis - outside of a structured review - citing alleged incidents from various coworkers which these individuals neither presented to Peg nor resulted in confrontation. Thus, she was unaware of these alleged perceptions of interactions.

2) Nabisco was presented with standards which were to be immediately met and sustained:

-Several years ago when Peg was diagnosed with MS- i.e. the necessity for temperature control of work environment and avoidance of undue stress.

3) These standards are important because of the following impact on Peg's life:

If the aforementioned conditions are not met and respected then Peg's health may be affected on a temporary or even permanent basis.

4) I am informing Nabisco of the following with respect to these aforementioned issues:

Peg has organized her office space for maximum efficiency of job performance based on innovations she has created over her "years" of successful service to Nabisco.

5) These issues are very serious:

As her next of kin, I will see that her legal rights are protected, even if Peg lacks stamina to do so.

re: Please see attached copy of Counseling Notes

Lynn Madigan

Lynn Madigan

cc: Tim Ault
Mark Perkins
Maryellen Valaitis
Sandi VonDraltein

PLAINTIFFS EXHIBIT J

COUNSELING NOTES

1. I have made the following observation of Peggy's conduct/performance:

Peggy you have "blocked" the access window with binders. It prevents drivers and employees from having easy and direct access to you to conduct business.

Peggy you have built an office area around you that separates you from the rest of the team and makes it difficult for open communications.

Your comment to Cathy Roy on Wednesday, December 4th that you "deserve lunch because you do everything" is an example of placing yourself outside the team.

Peggy, Schneider representatives, expressed concern over working with you and being treated courteously. Bob, the shuttle driver, stated that you addressed him in a mean and nasty way when he approached you about pulling loads out and that you threw bills across the desk for him to sign. Bob also cited that there is a lack of communication between the two of you. You did not advise him on 12/3 that 2 loads were canceled. Bob stated he is trying to service our account but encounters a stressful feeling when he walks into your office.

2. I have informed Peggy of the following standards that are to be immediately met and sustained:

Do not block the access window between the warehouse and your office area.

Address Bob as well as employees, visitors, phone calls etc in a courteous business like manner.

Communicate with your team members including your manager on all appropriate work related issues (i.e., warehouse issues, overtime).

3. These standards are important because of the following impact on the work environment:

It is important that drivers have professional and easy access to you to conduct business in a timely and efficient manner.

We work as a team within the warehouse and the Seville Plant. It is critical that open two-way communication takes place.

Getting the tangible work done is only a portion of your responsibilties. How you get it done, and how you interact with the team and customers is also a significant

portion. If you get the job done but have isolated others while doing so you have not been truly successful as a team member.

4. I have informed Peggy of the following with respect to these performance issues

These issues will be reflected in the performance review. The review will either state that the issues have been addressed or that improvement is still required.

These performance issues in Teamwork and Cross-functional Effectiveness are very serious. Peggy's effectiveness as a Warehouse Clerk is dependent upon her immediate attention and improvement. Tim Ault & Maryellen will continue to assist Peggy however, if these issues are not addressed adequately in the next 30 days, further disciplinary action will be taken including being placed on a Plan of Corrective Action to formally address these issues.

5. These matters will be reviewed on Friday, January 24, 1996.

Tim Ault
12/20/96

comppm.doc

CERTIFIED

P 083 339 370

MAIL

AKRON, OHIO

U.S. POSTAGE PAID WADSWORTH, O 44281 DEC 23 '96 MACHINE

$5.27

000375-02-

RETURN RECEIPT REQUESTED

MARY ELLEN VALAITIS
NABISCO BRANDS
5180 GREENWICH ROAD
SEVILLE OHIO 44273

RESTRICTED DELIVERY

RESTRICTED DELIVERY

NABISCO

5180 Greenwich Road
Seville, Ohio 44273-9530
(216) 769-2031
Fax: (216) 769-3058

January 10, 1997

Peggy Madigan
295 Westview
Wadsworth, OH 44281

Dear Peggy:

In response to Lynn Madigan's letter of December 21, 1996.

1. Regarding "Counseling Notes" which were provided outside of a structured review.

As your manager, it is my responsibility to provide you with on-going feedback and coaching on your performance throughout the year. The intention of the performance appraisal is not to have a once a year discussion but rather to review the feedback, objectives, accomplishments and development needs we have discussed during the year.

2. Regarding standards presented to Nabisco.

Maryellen Valaitis has reviewed your personnel file and found no request for a job accommodation from your physician.

In accordance with our Human Resource Policy 5-6 Americans with Disabilities Act (ADA), we are requesting that the enclosed Job Accommodation Request Form be completed by you and your Physician. Any expenses incurred in the completion of this form are your responsibility. Enclosed with the form are copies of a Job Analysis Profile and Position Description for Traffic Clerk. The Job Analysis Profile and Position Description will assist your physician in completing the Job Accommodation Request Form.

Upon receipt of these completed forms, Nabisco will review the documentation and work with you to implement reasonable accommodations.

If you have any questions, please feel free to contact me or Maryellen Valaitis.

NABISCO, INC.
Seville Plant

Tim Ault
Production Manager

cc: Mark Perkins Maryellen Valaitis Sandi vonDrateln

PLAINTIFF'S EXHIBIT K

SCO
DS
U P

JOB ACCOMMODATION REQUEST FORM NB-6025-A
STATEMENT OF REVIEWING PHYSICIAN

The requesting employee is responsible for the completion of this form.

TO BE COMPLETED BY LOCAL MANAGEMENT

YEE

SIDENCE

MANAGER

TO BE COMPLETED BY THE EMPLOYEE

_____ hereby authorize _____

e to Nabisco Foods Group medical information from my personal records, including, but not limited to, the information on this ve my permission for this medical information to be used by Nabisco Foods Group, and/or its representatives, to process my for job accommodation. A photocopy of this form is valid as the original. I understand that I am entitled to receive a copy of this tion upon request.

DATE

TO BE COMPLETED BY THE PHYSICIAN

AN: This is a request for your evaluation of this employee's ability to perform the essential functions of his / her current position. learly identify the extent of the individual's PERMANENT disability and any specific necessary accommodations which you nd to permit the employee to perform the essential functions of his / her job. Permanent disability is defined as a Physician-disability in accordance with State and Federal laws of an indefinite duration where the patient is not expected to recover.

d symptoms ear? ___/___/___ b. Date patient became permanently disabled? ___/___/___

ent ever had same or similar condition? ☐ Yes ☐ No If yes, state when and describe _____

S

s (including any complications) _____

ve symptoms _____

e findings (including current X-rays, boratory data and any clinical findings) _____

TREATMENT

___/___/___ b. Last visit ___/___/___ c. Frequency: ☐ Weekly ☐ Monthly ☐ Other (specify below)

S

as ☐ Recovered ☐ Improved Patient is expected to ☐ Recover ☐ Retrogress

☐ Ambulatory (Unlimited) ☐ Not Ambulatory (Limited – describe) _____

nt been hospital confined? ☐ Yes ☐ No Confined from ___/___/___ through ___/___/___

CONTINUE ON REVERSE SIDE

BEST AVAILABLE COPY

ALYSIS PROFILE

Traffic Clerk

COMPONENT SPC

Seville

EFFECTIVE DATE 1/3/97

OB SUMMARY: (Highlight essential functions within job summary.) This is not exhaustive and may be supplemented as necessary.

REGULAR POSITION DESCRIPTION (ATTACHED)

SIS

OSE ONE IN EACH CATEGORY

SICAL ACTIVITY X "A" - FOR DESCRIPTION)	Not At All (0%)	Occasionally (1% - 33%)	Frequently (34% - 66%)	Continually (67% - 100%)
S				
5 lbs.		✓		
0 lbs.				
0 lbs.				
5 lbs.				✓
0 lbs.				
00 lbs.				
RIES				
lbs.		✓		
lbs.				
lbs.				
lbs.				
lbs.				
lbs.				

X "A" - FOR DESCRIPTION)	Not At All (0%)	Occasionally (1% - 33%)	Frequently (34% - 66%)	Continually (67% - 100%)
SHES				
5 lbs.		✓		
10 lbs.				
20 lbs.				
25 lbs.				
50 lbs.				
100 lbs.				
LS				
lbs.		✓		
lbs.				
lbs.				
5 lbs.				
lbs.				
00 lbs.				
BS	✓			
CHES		✓		
S				
S				✓
S				✓
S		✓		
S		✓		
LES FOOD		✓		

FULL REQUIREMENT FOR EACH ACTIVITY PER DAY)

DAY (Regular attendance is of this job.)	HOUR	HOURS	HOURS	HOURS	HOURS	HOURS	HOURS	HOURS
	1	2	3	4	5	6	7	(8)
MINIMALLY LIFTS when I have any	(1)	2	3	4	5	6	7	8
ITIVE MOTIONS	1	2	3	4	5	6	7	8
ERING TECHNIQUES	1	2	3	4	5	(6)	7	8
	1	2	3	4	5	(6)	7	8

(initial)

APPENDIX "A"

PHYSICAL ACTIVITY DESCRIPTIONS

Climbing: Ascending or descending ladders, stairs, scaffolding, ramps, poles and the like, using feet and legs and/or hands and arms. Body agility is emphasized. This factor is important if the amount and kind of climbing required exceeds that required for ordinary locomotion.

Reaching: Extending hand(s) and arms(s) in any direction.

Standing: Particularly for sustained periods of time.

Walking: Moving about on foot to accomplish tasks, particularly for long distances.

Pushing: Using upper extremities to press against something with steady force in order to thrust forward, downward or outward.

Pulling: Using upper extremities to exert force in order to draw, drag, haul or tug objects in a sustained motion.

Lifting: Raising objects from a lower to a higher position or moving objects horizontally from position-to-position. This factor is important if it occurs to a considerable degree and requires the substantial use of the upper extremities and back muscles.

Fingering: Picking, pinching, typing or otherwise working, primarily with fingers rather than with the whole hand or arm as in handling.

Talking: Expressing or exchanging ideas by means of the spoken word, those activities in which detailed or important spoken instructions must be conveyed to other workers accurately, loudly, or quickly.

Hearing: Perceiving the level of sounds with no more than a 40 db loss @ 500 Hz, 1,000 Hz and 2,000 Hz with or without correction. Ability to receive detailed information through oral communication, and to make fine discriminations in sound, such as when making fine adjustments on machined parts.

Repetitive motions: Substantial movements (motions) of the wrists, hands, and/or fingers. P.L. DATA ONLY

Bending: Assuming a curved, crooked or angular form or direction.

Twisting: Rotating or revolving; also, to turn as to face another way.

Sitting: To be or remain in that posture in which the weight of the body rests upon the posterior.

Carrying: Moving an object from one place to another.

VISUAL DEMANDS:

The visual acuity requirements including color, depth perception, and field of vision.

(Circle ONE)

A. **MACHINE OPERATORS (including Inspection), INSPECTION, CLOSE ASSEMBLY:** This is a minimum standard for use with those whose work deals largely with visual inspection involving small defects, small parts, operation machines (including inspection), using measurement devices, assembly or fabrication of parts at distances close to the eyes.

B. **MACHINE OPERATORS (without Inspection), MECHANICS, SKILLED TRADESPEOPLE:** This is a minimum standard for use with those whose work deals with machines such as lathes, mills, power saws where the seeing job is at or within arms reach. (If the machine operator also inspects use "A" standard which requires more acuity.) Also mechanics and skilled tradespeople and those who do work of a non-repetitive nature such as carpenters, technicians, service people, plumbers, painters, mechanics, etc.

C. **MOBILE EQUIPMENT OPERATORS:** This is a minimum standard for use with those who operate cars, trucks, fork lifts, cranes, and high lift equipment.

(D.) **OTHER:** This is a minimum standard based on the criteria of accuracy and neatness of work for janitors, sweepers, etc.

GENERAL EDUCATION - REASONING ABILITY: The ability to apply common sense or logic to a problem solving situation. Describes the MINIMUM (not optimum) reasoning ability for the adequate completion of the position.

(Circle ONE)

A. Ability to apply common sense understanding to carry out simple one step or two step instructions; to deal with standardized situations with occasional or no variables in or from these situations encountered on the job.

B. Ability to apply common sense understanding to carry out detailed, involved instructions; to deal with problems involving several concrete variables in or from standardized situations.

C. Ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or other form. Deal with several abstract and concrete variables.

GENERAL EDUCATION - MATHEMATICS ABILITY: The LEVEL of ability to understand mathematical concepts and apply them to problem solving situations. Describes the MINIMUM (not optimum) math ability for the successful completion of the position.

(Circle ONE)

A. Ability to perform mathematics is not required.

B. Ability to add and subtract two-digit numbers; to multiply and divide 10's and 100's by 2, 3, 4, 5; to perform the four basic arithmetic operations with coins as part of a dollar; to perform operations with units such as inch, foot, and yard; ounce and pound (and their metric counterparts).

C. Ability to add, subtract, multiply, and divide all units of measure; to perform the four operations with like or common decimal functions; to compute ratio, rate, and percent; to draw and interpret bar graphs; to perform arithmetic operations involving all American monetary units.

D. Ability to compute discount, interest, profit, and loss; commission, markup and selling price; ratio and proportion, and percentage; to calculate surfaces, volume, weights, and measures. Using Algebra to calculate variables and formulas; monomials and polynomials; ratio and proportion variables; and square roots and radicals. Using Geometry, to calculate plane and solid figures; circumference, area, and volume; to understand kinds of angles, and properties of pairs of angles. Using Advanced Shop Math: Ability to use practical application of the essentials of trigonometry.

ENVIRONMENTAL REQUIREMENTS

PHYSICAL SURROUNDINGS AND HAZARDS: The conditions the worker will be subject to in this position.

(Circle ALL that apply)

A. The worker is subject to Inside Environmental conditions: Protection from weather conditions but not necessarily from temperature changes.

B. The worker is subject to Outside Environmental conditions: No effective protection from weather.

C. The worker is subject to Both Environmental conditions: Activities occur inside and outside.

D. The worker is subject to Extreme Cold: Temperatures below 32 degrees for periods of more than one hour.

E. The worker is subject to Extreme Heat: Temperatures above 100 degrees for periods of more than one hour.

F. The worker is subject to Noise: There is sufficient noise to cause the worker to shout in order to be heard above the ambient noise level when trying to communicate within arms length.

G. The worker is subject to Vibration: Exposure to oscillating movements of the extremities or whole body.

H. The worker is subject to Hazards: This category includes a variety of physical conditions, such as proximity to moving mechanical parts, electrical current, working on scaffolding and high places, exposure to high heat, or exposure to chemicals (airborne and/or skin exposure).

I. The worker is subject to Environmental Conditions: One or more of the following conditions that affect the respiratory system or the skin: Fumes, odors, dusts, mists, gases, or poor ventilation.

J. The worker is subject to Oils: There is air and/or skin exposure to oils and other cutting fluids.

K. The worker is required to wear Respirator.

L) None: The worker is not substantially exposed to adverse environmental conditions (such as in typical office or administrative work).

NOTICE

This job analysis profile in no way states or implies that these are the only tasks to be performed by the employee occupying this position. He or she will be required to follow any other instructions and to perform any other job related duties requested by his or her supervisor.

The factors cited above represent minimum levels of knowledge, skills, and/or abilities. To perform this job successfully, the incumbent will possess the abilities and aptitudes to perform each task proficiently.

Ability means to possess and apply both knowledge and skill.

A review of this job analysis profile has excluded the marginal or peripheral functions of the position that are incidental to the performance of primary job functions. All tasks and requirements are considered to be essential job functions.

This document describes the minimum selection requirements in terms of tasks and requirements to qualify for this position. However, promotion and other employment decisions are also based on company needs, being in good standing (including lack of disciplinary actions), fully competent performance, and other non-disciplinary issues.

All factors are subject to possible modification to reasonably accommodate individuals with disabilities.

Some requirements may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees.

This document does not create an employment contract, implied or otherwise, other than an "at will" employment relationship.

NABISCO

N DESCRIPTION/REQUISITION

N TITLE Traffic Clerk INCUMBENTS NAME Peggy Madigan

NENT SPC LOCATION Seville, OH EFFECTIVE DATE 1/9/97

ERS TITLE Production Manager NAME Tim Ault

E THE BROAD FUNCTION AND SCOPE OF THE POSITION:
s for coordinating all shipments from Seville Plant with order processing team at Division. Processes paperwork for all including receiving orders and providing orders to our shipping department, scheduling trucks and transmitting all mation. Maintains traceability records for finished goods inventory and reconciling physical finished goods

E THE PRINCIPAL CONTINUING RESPONSIBILITIES OF THE POSITION IN ORDER OF IMPORTANCE:
shipping orders from Distribution Order Control. Confirm inventory availability, schedule shipments, prepare Bills of d verify load counts on all outbound shipments.

le incoming/outgoing trucks for finished, raw, and packaging materials. Maintain contact with trucking dispatchers of carrier base to assure schedules are followed.

nd maintain shipment data into inventory control PC to relieve warehouse stock inventory, generate lot breakdown ts, and establish record for all shipment history.

communications through fax reports as required by distribution warehouses, preparation and balance of T-Charge be submitted to computer room, and daily reconciliation of finished transactions against reports submitted to N.I.R.S.

and maintains warehouse log into system software to show location and production date of finished and packaging r proper stock rotation.

and schedule all miscellaneous shipments, including MSO shipments, daily UPS and air freight shipments, and backup n on these shipments.

other departments as needed and effectively communicates departmental concerns with facility management.

ic

TITLES OF DIRECT REPORTS	NUMBER OF INCUMBENTS	GRADE
TOTAL EMPLOYEES (including indirect reports)		—

S DIRECTLY ACCOUNTABLE FOR : OTHER ITEMS (such as number of plants, countries,etc)

$ _____

OLUME ANNUAL BUDGET

E: High School Diploma

YEARS OF EXPERIENCE: 3

E:
f traffic management/distribution. Clerical and computer skills.

EQUIREMENTS/DEMANDS (e.g. TRAVEL)

CATIONS (specify name if essential) WORD PROCESSING SHORT HAND OTHER

WORD PROCESSING [x] SPREADSHEET [x] DATA BASE [ ] OTHER

DESCRIPTION APPROVED BY:	DATE	SALARY GRADE	MIN	MID	PERSONNEL APPROVAL	DATE
	1997	4			M. Valenti	11/9/97

COMPLETE THIS SECTION FOR REPLACEMENTS OR ADDITIONS TO STAFF

N IS: (CHECK AS MANY AS APPROPRIATE)

IF REPLACEMENT GIVE NAME OF EMPLOYEE REPLACEMENT & REASON FOR VACANCY

NEW [x] BUDGETED [ ] EXEMPT

REPLACEMENT [ ] NON-BUDGETING [x] NON-EXEMPT

AUTHORIZED

N REPLACEMENT APPROVED BY	DATE	ADDITIONAL APPROVAL	DATE

DITIONS, PROVIDE SPECIFIC JUSTIFICATION IN TERMS OF VALUE ADDED, ANTICIPATED PAYBACK AND OTHER TS THAT WILL ACCRUE TO THE COMPANY.

N APPROVED BY:	DATE	ADDITIONAL APPROVAL	DATE	ADDITIONAL APPROVAL	DATE

INTERNAL PLACEMENT

CTIVE CANDIDATES & LOCATIONS	2	3

TERNAL N STARTED	DATE COMPLETED ADFADF	APPROVED BY HUMAN RESOURCES	DATE	REQ NO.	FILLED BY:(EMPLOYEE'S NAME)

PAGES 284-287; 305-311

284

deposition open when we're done. If I have too, I'll file a motion with the court stating you're being non-responsive and you might have to come back here to answer these questions.

I understand that you're representing yourself in this case, but I need to know, to the best of your recollection now, what the answer to these questions are. If the court will award that, I'm also going to make a motion for sanctions. Which means that, if awarded, you would have to pay both my fees to make the motion to compel and you'd have to pay for the court reporter to bring you back here to answer those questions. So I just want you to keep that in mind as we continue.

A. I don't understand what you just said. Could you repeat that?

Q. Sure. What I'll do at the end of this deposition is probably file a motion with the court. It is going to be a motion to compel you to answer the questions that you have chosen to read a pre-written statement. I'm also going to make a motion for sanctions because of what we're having to go through because you're not answering the questions to the best of your ability right

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now.

Now, if the court awards the motion to compel, what that means is we'll come back for another deposition for you to answer those questions in which you've chosen to read this statement for. And sanctions would mean, if awarded, that you would have to pay my attorney's fees and you would have to pay for the court reporter and everything that's involved in having to take that next deposition.

(Thereupon, Defendant's Exhibit EE to the M.A. Madigan deposition was marked for purposes of identification.)

BY MS. STOUFFER:

Q. I'm handing you what's been marked as Defendant's Exhibit EE. Can you identify this as the relief sought that you were referring to in terms of what your damages are?

A. Yes, it is.

Q. And is that what you stated you submitted to both Jim Kurek and the ENE evaluator?

A. To Jim Kurek at the ENE.

Q. And then you sent it again?

A. I served it to you again, yes.

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Q. Okay. Now, are some of these damages that you've written on this relief sought relating to your prior claims that some types of chemicals in the workplace were exacerbating your condition?

A. Again, you know I have to say I'm not an attorney. When I presented this – I'm proceeding pro se and I'm only attempting to protect my rights as an American citizen – an American citizen who has the disability of multiple sclerosis. So I can say that because now I can repeat it. I can memorize it. So I'm not reading it. But that is what I want to get across to you. That anything that I filed – I want to let you know that I'm not an attorney. I'll filing pro se.

Q. I completely understand that.

A. Okay.

Q. What I'm telling you is you're being non-responsive to questions that I'm asking. If we have to get this motion to compel, that fine. But I want to know, regardless of whether you're an attorney or not, you submitted th documents to the court. You should have th responsibility to know what they mean, reg of whether you're an attorney at law.

A. I understand what they mean to me and

Q. Then –

A. And because I'm proceeding pro se.

Q. I got that. What I want to know is what they mean to you.

A. I'm protecting my rights as a disabled American citizen. I'm protect – I'm attempting to protect my rights as a disabled American citizen.

Q. I'll regard that as non-responsive as well.

You list damages here. I want to know in your mind, are these damages all related to your disability discrimination claim?

A. I'm not an attorney. I'm just a pro se person – I am proceeding pro se.

Q. What do you believe these damages are for? You don't need a legal license to tell me what you intend for these damages to cover.

A. My relief sought.

Q. Nine months severance pay. What is that period of time?

A. No comment.

Q. That is –

A. I don't recall.

Q. That's not an appropriate answer.

correct procedure. Because you need to serve a notice upon me as you were sending them out to let me know what officer the depositions were being taken before and who the person is you sent them to so that I have a chance to serve that individual with cross questions.
A. That was not my understanding. That was not my understanding. I'm proceeding pro se. I'm not an -- it's not my understanding.
Q. You might want to take a look at the Rules. And if you need a copy of that Rule 31, I'd be happy to provide that to you.
We had talked about the injections that you said you were unable to afford. Are there any other types of treatment that you're alleging you cannot afford because you no longer have insurance with Nabisco?
A. The C-pap machine -- at this moment, I can't recall. The injections, the C-pap machine. I don't recall any others.
Q. Have you determined whether your current insurance covers any type of treatment for multiple sclerosis?
A. No, I have not determined that.
Q. So it's possible it does. You're not sure?

A. I don't know.
Q. Have you ever previously filed an EEOC or OCRC charge against another employer?
A. No.
Q. On the last page of Exhibit CC, I have listed three requests for admission. The first one is "Admit that Plaintiff was terminated because of her performance deficiencies."
A. Where are you now?
Q. Page 30, the very last page. Would you admit or deny Request for Admission number 1?
A. Why aren't you showing me the final answers that I sent to you?
Q. Oh, let me make sure if you answered those.
A. These were the originals, and I sent you other answers.
(Thereupon, Defendant's Exhibit HH to the M.A. Madigan deposition was marked for purposes of identification.)
BY MS. STOUFFER:
Q. Right. And I think in your second answers you objected to all three without stating a ground.
I'm handing you what's been marked as

Exhibit HH. Here's a copy for you. First, can you identify this as a letter you sent to me dated August 2, 2001 in response to my July 20 letter?
A. I'm sorry?
Q. Can you identify the first page of Exhibit HH as a letter you sent to me regarding my correspondence dated July 20, 2001?
A. Yes.
Q. And were all these attachments attached to this letter?
A. Yes.
Q. And it says that these attachments help clarify your responses and answers to Defendant's First Set of Discovery Requests. Is that correct?
A. Yes. For the record, here's where I determined those amounts. These are the attachments right here on this exhibit, number HH. That's where I determined the amounts for the relief sought for you.
Q. For the health insurance issue?
A. Yes.
Q. Okay. We can take a look at these. Thank you.

A. And also in the nursing care, that's where I presented you with these figures.
Q. Okay. If you could turn to your page number 1. At the top of the page it says interrogatory number 5 and you have a list of lay witnesses, their name and address. Are these addresses where they live or where they work?
A. The last known residence, or thought to be. And I also indicated on here that I would provide you with additional information and addresses, as many of these people had moved. And I didn't have -- this was something that I had to work on. But I will get all of that information to you.
Q. Okay. Most of these people I think we discussed the last time we met. But could you tell me who Ross Deerman is?
A. Ross Deerman is -- was an employee at Nabisco. He worked in the warehouse.
Q. At the same time as you?
A. Yes.
Q. And when did he leave Nabisco?
A. I don't recall.
Q. Do you know approximately how old he is?
A. He's -- he's in his 60s to the best -- maybe 70s.

Margaret A. Madigan
295 Westview Ave.
Wadsworth, Ohio 44281
Direct Dial 330-335-8051

August 2, 2001

Ashley M. Stouffer, Esq.
Buckingham, Doolittle & Burroughs, LLP
50 Main Street
P.O. Box 1500
Akron, Ohio 44309-1500

Re: Madigan v. Nabisco Brands, Inc./RJ Reynolds, Inc.
U.S. District Court Case No. 1:00CV02919

Dear Ms. Stouffer:

I have received and reviewed your letter dated July 20, 2001, stating areas of concern to which I am submitting the attached information and documents to help further clarify my responses and answers to Defendant's First Set of Discovery Requests.

Also enclosed herewith are the original Authorizations for Release of Medical Records, which you requested.

Sincerely,

Margaret A. Madigan

Margaret A. Madigan

Enclosures

ALL LETTERED EXHIBITS, RESPONDENT

HH

PLAINTIFF'S EXHIBIT H.H

AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

TO: Dr. Kinkel
Mellen Center.
Cleveland Clinic
1950 Euclid Ave
Cleveland, Ohio 44195

RE: **Margaret A. Madigan**
DOB: **8/12/49**
SSN: **261-86-4041**

This is authority for you to give to Attorney James D. Kurek, of Buckingham, Doolittle & Burroughs, LLP, 50 S. Main Street, P.O. Box 1500, Akron, Ohio 44309, or his designee, any and all information pertaining to any and all injuries or conditions for which you examined and treated me, including, but not limited to, copies of your office charts, office notes, and any documents contained in your files regarding me.

Margaret A Madigan
Margaret A. Madigan

DATE: 7-5-01

«AKJ:434600_1»

AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

TO: Matthew P Finneran, MD
251 Healthcare R.d.
Wadsworth Ohio

(Patient 1958)

RE: **Margaret A. Madigan**
DOB: **8/12/49**
SSN: **261-86-4041**

This is authority for you to give to Attorney James D. Kurek, of Buckingham, Doolittle & Burroughs, LLP, 50 S. Main Street, P.O. Box 1500, Akron, Ohio 44309, or his designee, any and all information pertaining to any and all injuries or conditions for which you examined and treated me, including, but not limited to, copies of your office charts, office notes, and any documents contained in your files regarding me.

Margaret A. Madigan
Margaret A. Madigan

DATE: 7-5-01

AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

TO: Peter Katsaros, M.D.
185 Wadsworth Rd.
Wadsworth, Ohio 44281

RE: **Margaret A. Madigan**
DOB: **8/12/49**
SSN: **261-86-4041**

This is authority for you to give to Attorney James D. Kurek, of Buckingham, Doolittle & Burroughs, LLP, 50 S. Main Street, P.O. Box 1500, Akron, Ohio 44309, or his designee, any and all information pertaining to any and all injuries or conditions for which you examined and treated me, including, but not limited to, copies of your office charts, office notes, and any documents contained in your files regarding me.

Margaret A. Madigan
Margaret A. Madigan

DATE: 7-5-01

«AKT-484488_1»

INTERROGATORY NO. 5: Identify any and all lay witnesses and the subject matter of each such witness's anticipated testimony, and all documents upon which Plaintiff intends to rely in support of her claims at the trial of this case.

ANSWER:

Lay Witness Name & Address	Testimony/Documents
Mark Perkins – Minneapolis MN	knowledge of disability, and admissions
Maryellen Valaitis – Cincinnati OH	knowledge of disability and admissions
Tim Ault – Canton OH	knowledge of disability and admissions
Darrell Krueger – Creston OH	work conditions
Robb Geissman – Des Moines IA	work conditions
Bob Byers – Wadsworth OH	work conditions, performance, and exhibit #15
Connie Bihari – Burbank OH	work conditions
Dale Riley – Creston OH	health
Shelly Moore – Wadsworth OH	work conditions
Jean Boling – Parma OH	work conditions
Ross Deerman – Doylestown OH	health
Becky Dillon – Rittman OH	health
Kyle King - Medina OH	health
Sandy Van Drotelyn – Parsippany NJ	exhibit # 2
Trish Hilson – Cleveland OH	work conditions

Jennette Langston – Akron OH work conditions and cause of death of her
mother, Willie Brazil, former employee of Nabisco, Seville Ohio.

And the widows of:

Charles Wagar	Cause of Death
Charlie Hrbeck	Cause of Death
~~Brian Kelly~~ Craig Hoskins	Cause of Death
Tom Leasure	Cause of Death
Bob Gallatin	Cause of Death

There are additional deceased Nabisco employees whose names the Plaintiff will provide as soon as possible. Also, additional information on addresses, as many have moved and Plaintiff only has phone numbers.

INTERROGATORY NO. 17: Identify all medical expenses incurred by Plaintiff which are allegedly related to any actions taken by Defendant.

ANSWER: All medical expenses thus far have been paid by insurance companies or not paid at all. Future medical expenses or Plaintiff, however, are expressed in relief sought by Plaintiff.

INTERROGATORY NO. 26: Identify all evidence Plaintiff has either within or outside her possession to support her allegation that the ingredients in aspartame and nutrasweet are hazardous and toxic substances which may cause neurological conditions.

ANSWER:

Exhibit #12 World Environmental Conference and Multiple Sclerosis Foundation Report - a certified copy is forthcoming.

INTERROGATORY NO. 27: Identify all evidence Plaintiff has either within or outside her possession to support her allegation that the ingredients in aspartame and nutrasweet exacerbate Multiple Sclerosis.

ANSWER:

Exhibit #12 World Environmental Conference and Multiple Sclerosis Foundation Report - a certified copy is forthcoming.

Exhibit #14

Study done at University of Turku, Finland and presented to 17 World Congress of Neurolgy in London England – June 21, 2001. – certified copy forthcoming.

REQUEST FOR PRODUCTION NO. 11: Produce any and all document relating to any and all treatment identified in response to Interrogatory No. 14.

RESPONSE: Defendant has been furnished with letters to release medical information and records from the following Doctors:

Dr. Revere Kinkle, M.D., Multiple Sclerosis Cleveland Clinic, Cleve. OH
Dr. Peter Katsaros, M.D., General Practice, Wadsworth, OH
Dr. Finneran, M.D., General Practice, Wadsworth, OH

REQUEST FOR PRODUCTION NO. 12: Produce all medical records reflecting the nature and extent of Plaintiff's disabilities.

RESPONSE: Please see MS letter of diagnosis from Cleveland Clinic. Plaintiff does in fact have Multiple Sclerosis and Fibromyalgia, both considered by ADA to be disabilities. Defendant has been furnished with

letters to release medical information from doctors. More information is forthcoming from Plaintiff's recent medical appointments.

REQUEST FOR PRODUCTION NO. 13: Produce a copy of all document, notes, calendars, diaries or other documents in Plaintiff's possession which relate in any way to her employment with Nabisco.

RESPONSE: Other than attached exhibits, Plaintiff can not locate any other notes, diaries, etc. at this time.

REQUEST FOR PRODUCTION NO. 16: Produce all documents identified in response to Interrogatory No. 26.

RESPONSE: See attached Exhibit #12 World Environmental Conference and Multiple Sclerosis Foundation Report.

REQUEST FOR PRODUCTION NO. 17: Produce all documents identified in responses to interrogatory No. 27.

RESPONSE: Please see the following attached documents:

Exhibit #12 World Environmental Conference and Multiple Sclerosis Foundation Report - a certified copy is forthcoming.

Exhibit #14

Study done at University of Turku, Finland and presented to 17 World Congress of Neurolgy in London England – June 21, 2001. – certified copy forthcoming.

INTERROGATORY NO. 6: Identify each and every expert witness whose testimony Plaintiff intends to use at the trial in this case, and describe the subject matter of each such expert witness's anticipated testimony, the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds of each opinion.

ANSWER: At this time the only expert witness that the Plaintiff intends to use at the trial will be from the Cleveland Clinic, unsure of which doctor at this time. The doctor will testify concerning the nature of Multiple Sclerosis and how it applys to the Plaintiff.

INTERROGATORY NO. 8 Identify all documents not within Plaintiff's custody, control, or possession which relate, in any way, to the allegations set forth in Plaintiff's Complaint or Amended Complaints.

ANSWER: Certified copies of exhibits as needed and will be provided to defendant, as soon as they become available. Also, see exhibits #15 Plaintiff's Job Review and #16 Maryellen Valaitis e-mail.

INTERROGATORY NO. 14: Identify any and all medical or health care providers with whom Plaintiff has treated in the last ten (10) years for any physical conditions, including the following: (a) the name of the health care provider; (b) the specialty of the health care provider; (c) the address of the health care provider; (d) the timeframe during which treatment was provided; (e) the nature of the treatment; and (f) the ultimate results of the treatment.

ANSWER: Please review your responses from the following doctors for whom I have given you medical release resquests.

Dr. Revere Kinkle, M.D. - Cleveland Clinic – Multiple Sclerosis
Dr. Peter Katsaros, M.D. - Wadsworth Ohio general practice
Dr. Finneran, M.D. - Wadsworth, Ohio general practice

DEFENDANTS ADDITIONAL AREAS OF CONCERN:

INTERROGATORY NO. 7 AND REQUEST FOR PRODUCTION OF DOCUMENTS NOS. 1, 5, AND 7: "For each of these Interrogatories or Request for Production of Documents, you responded see "See case file." At this time , the case file contains nothing more than your initial allegations contained in your pleadings. Please produce specific information and/ or documents which correlate to the Interrogatory and Request for Production of Documents."
PLAINTIFF'S ANSWER/RESPONSES: Please see Exhibits attached herewith which have also been previously provided the Defendant.

INTERROGATORY NO. 2: "Beyond the Complaint and Amended Complaint you filed, identify all specific documents which support the

claims that you made in your Complaint and Amended Complaint and who provide you with those documents."

PLAINTIFF'S ANSWER: See Exhibits 1 through 16 (13 of which have been previously provided the Defendant by the Plaintiff and are again being provided herewith). All documents provided thusfar have been personal documents of Plaintiff, or documents plaintiff has obtained through research (computer).

1.) DIAGNOSIS LETTER FROM CLEVELAND CLINIC TO PLAINTIFF
2.) LETTER TO TIM AULT, MARK PERKINS, MARYELLEN VALAITIS, AND SANDI VONDRALTELN FROM LYNN MADIGAN
3.) INTEROFFICE COMMUNICATION TO DARRELL KRUEGER FROM THE PLAINTIFF
4.) PRESCRIPTION FROM CLEVELAND CLINIC TO PLAINTIFF
5.) LETTER FROM DARYL BREWSTER TO PLAINTIFF
6.) INTER-OFFICE CORRESPONDENCE FROM MARK PERKINS TO PLAINTIFF
7.) RECOGNITION NOTICE FROM BOB BYERS TO PLAINTIFF
8.) INTEROFFICE CORRESPONDENCE FROM CAROL LAUFENBERG TO PLAINTIFF
9.) SEPARATION LETTER FROM MARK PERKINS TO PLAINTIFF
10.) DETERMINATION LETTER FROM EEOC TO PLAINTIFF DATED 8/22/00
10 A.) LETTER FROM EEOC TO PLAINTIFF DATED 9/7/00
11.) DETERMINATION OF BENEFITS FROM OBES TO PLAINTIFF
12.) ASPARTAME REPORT FROM ENVIRONMENTAL CONFERENCE
13.) OSHA REPORT
15.) PLAINTIFF'S JOB REVIEW
16.) E-MAIL FROM MARY ELLEN VALAITIS TO PLAINTIFF
17.) UNIVERSITY OF TURKU, FINLAND RESEARCH

INTERROGATORY NO. 3: "Identify every person at Nabisco or previously at Nabisco who is aware of the circumstances surrounding the termination of your employment and any other claims you have made in this case."

PLAINTIFF'S ANSWER: To the Plaintiff's knowledge, persons aware of the circumstances surrounding the termination of her employment are, Mark Perkins, Maryellen Valaitis, and Tim Ault. Other persons that may be aware of circumstances surrounding other claims in this case are listed in Interrogatory No. 5, herewith.

REQUEST FOR PRODUCTION NO. 2: "Beyond the general relief you have requested in this case, produce every document which reflects the amount of damages you are seeking."

PLAINTIFF'S RESPONSE: Please see calculation sheet, previously provide to the defendant, which shows appreciation of expenses based on national inflation rates over Plaintiff's life expectancy of the next 40-50 years.

Attached herewith to assist in compiling Plaintiff's relief sought:

Medical Mutual Insurance Rate Chart
Liberty Residence schedule of Service Charges

INTERROGATORY NO. 14: "You responded that you do not recall the identity of any of your health care providers over the last 10 years or the nature and extent of treatment that was provided, however, you completed three Authorizations for release of Medical Records, naming three separate physicians. Therefore, please provide the information requested in Interrogatory No. 14 with respect to those physicians."

PLAINTIFF'S ANSWER: The Cleveland Clinic has been my major Healthcare Provider for the last 15 years. I have seen numerous doctors there and cannot recall all the names. The doctor that I continue see, specifically for Multiple Sclerosis, is Dr. Revere Kinkel, M.D. He has access to all of my medical information, as do all doctors at the Cleveland Clinic. The Cleveland Clinic is an internationally reknown Healthcare facility. Dr. Katasaros, M.D. and Dr. Finneran, M.D. are local Wadsworth doctors that I have seen for minor problems (throat and ear) in order to avoid the long distance drive to the Cleveland Clinic.

MEDICAL MUTUAL OF OHIO
MONTHLY STATEWIDE RATE CHART
DIRECT ENROLLMENT

To determine the rate appropriate for you, identify the age band to which you belong. Select a type of product for which you are eligible (SuperMed Classic with or without maternity coverage; or for Federally Eligible Individuals and Ohio Open Enrollment Individuals: Traditional Basic, Traditional Standard or SuperMed Plus PPO) and a level of coverage desired (single or family) to determine your rate for one month of coverage.

Example: Mr. Smith is 44 years old and desires SuperMed Classic family coverage. His one month rate would be $391.69 without maternity coverage and $496.51 with maternity coverage.

SUPERMED CLASSIC PRODUCT - rates effective 12/01/98

Age Band Coverage	Rates without Maternity Coverage		Rates with Maternity	
	Single	Family	Single	Family
Under 30	$104.19	$303.41	$209.01	$408.23
30 - 39	$136.96	$357.80	$241.78	$462.62
40 - 49	$181.94	$391.69	$286.76	$496.51
50 - 59	$263.56	$481.56	$368.38	$586.38
60 - 64	$367.45	$620.55	$472.27	$725.37

FEDERALLY ELIGIBLE INDIVIDUAL AND OHIO OPEN ENROLLMENT INDIVIDUAL PRODUCTS – rates effective 02/01/99

Age Band	Rates for Traditional Basic		Rates for Traditional Standard	
	Single	Family	Single	Family
Under 30	$125.19	$394.61	$186.79	$ 588.79
30 - 39	$164.22	$458.48	$245.02	$ 684.09
40 - 49	$218.39	$502.72	$325.85	$ 750.09
50 - 59	$316.58	$618.19	$472.36	$ 922.38
60 - 64	$441.67	$797.32	$659.00	$1,189.65

Age Band	Rates for SuperMed Plus PPO	
	Single	Family
Under 30	$176.85	$ 557.47
30 - 39	$231.99	$ 647.70
40 - 49	$308.52	$ 710.19
50 - 59	$447.23	$ 873.32
60 - 64	$623.94	$1,126.37

**PLEASE NOTE: If you choose to be billed every other month, your rate will be twice that shown above.

Liberty Residence II

Gracious Independent & Assisted Living

Fee Schedule & Supplemental Service Charges

ROOM NAME	ROOM TYPE	0-1 ASSISTS *	2 – 3 ASSISTS	4 – 5 ASSISTS	6 – 10 ASSISTS
Jefferson	Small Studio	$75.00/day	$85.00/day	$95.00/day	$105.00/day
Franklin	Large Studio	$85.00/day	$95.00/day	$105.00/day	$115.00/day
Washington	One Bedroom	$90.00/day	$100.00/day	$110.00/day	$120.00/day
Lincoln	Suite	$100.00/day	$110.00/day	$120.00/day	$130.00/day

**0-1 assists is considered Independent*

Above fee schedule includes room, basic services, and assist levels based on functional assessments. Prices are per person. Assist levels are determined by the HealthCare Coordinator after completion of functional assessment.

Supplemental Services & Charges

Guest Meals: Breakfast - $2.50 Lunch - $4.25 Dinner - $7.00

Pharmacy Services: In House pharmacy services are available at no charge. If service is desired, it must be authorized with the HealthCare Coordinator/Administrator.

Beauty Salon: Per Salon charges

Personal Laundry: If you prefer to have your laundry done by our staff, there is a charge of $4.00 per load to wash, dry & fold.

Cable Upgrade: Basic cable is included at no charge. To have your cable upgraded, contact Wadsworth Cable @330-335-2888

Telephone Hookup: Contact GTE @ 1-800-483-4600 (community is not responsible)

Personal Transport: There is no fee for scheduled transportation on Tuesdays & Thursdays. Non-scheduled days will incur a .50/mile charge. Out- of- town transport is $6.00/hour after approval.

1054 Freedom Drive • Wadsworth, Ohio 44281 • (330) 334-3262

REQUEST FOR PRODUCTION NO. 14.: "You stated that your state and federal income tax returns for the years 1997 through 2000 and your W-2 forms and paycheck receipts are inaccessible. Please attempt to locate any such documents as they are necessary for the purpose of calculating your damages in this case."

PLAINTIFF'S RESPONSE: All tax returns and paycheck receipts for years prior to 2000 have been destroyed by me. I destroy my paycheck receipts, and, I can not locate my 2000 tax returns, W-2 forms.

INTERROGATORY NO. 19: "You answered it is "not applicable" whether you have been convicted of a misdemeanor, felony or other crime involving an act of dishonesty. This information is discoverable and an answer must be provided."

PLAINTIFF'S ANSWER: To the extent that the following can be construed as "dishonest" I am providing the information following: DWI conviction 1980 Medina, OH, Disagreement of monies due me 1985, North Hollywood, CA., monies still due me. This all the information I have on these two items.

Request for Admission Nos. 1, 2 & 3:

Request for Admission No. 1: Admit that Plaintiff was terminated because of her performance deficiencies.

Answer: The Plaintiff Objects.

Request for Admission No. 2: Admit that Plaintiff was not as qualified as her replacement for the position of Production Planner.

Answer: The Plaintiff Objects.

Request for Admission No. 3: Admit that Plaintiff was not obligated to sign Nabisco's Separation Agreement.

Answer: The Plaintiff Objects.

Respectfully, answered to the best of my knowledge this 3rd day of August 3, 2001.

Margaret A. Madigan pro se Plaintiff

Margaret A. Madigan pro se, Plaintiff

Sign in my Presence
Margaret A. MADIGAN on 3rd day of
Aug. 2001 my commission 2-25-04

THE CLEVELAND CLINIC FOUNDATION
9500 Euclid Avenue Cleveland, Ohio 44195-5229
A National Referral Center An International Health Resource

Hiroshi Mitsumoto, M.D.
Neurology / S80
216/444-5418

September 16, 1992

Mrs. Margaret Madigan
295 Westview
Wadsworth, OH 44281

CC#: 1-805-531-7

Dear Mrs. Madigan:

It was a pleasure meeting you on July 21, 1992. You were referred to us from the Primary Care Department at the Cleveland Clinic. Let me summarize your complaints.

About 10 days prior to your visit you noticed left upper extremity weakness. You also had mild tingling in the left hand, lasting minutes. The next day during an indian pow wow, you began dropping things when using your left hand. Over the next five days, this got worse to the point that the left hand was quite useless. There was no sensory loss, cranial nerve symptoms, balance problems or problems with bladder or bowel. The other three limbs were unaffected. There was no progression of your symptoms. You denied pain and tingling.

In 1988, you were seen by Dr. Sweeney at the Cleveland Clinic for a history of rightsided incoordination and slurred speech and blurred vision. An MRI at that time showed right middle cerebellar peduncle "lesion". These symptoms improved over six weeks. Later, you had a transient episode of "a shade being pulled in front of your right eye".

Your past history was significant for fibromyalgia in 1985, urinary tract infection and being overweight.

The general physical examination was unremarkable. On the neurological examination there was a left arm drift. Pronation and supination were mildly weak and the wrist dorsiflexion was 3+/5, wrist volar flexion was 2+/5, finger extensors 1/5, hand intrinsic 0/5. Muscle stretch reflexes were slightly diminished in the left biceps. The remainder were normal. The remainder of the neurologic examination was within normal limits.

We did a number of laboratory tests. A complete blood count and serum chemistry profile were normal. Sedimentation rate was 10

Exhibit # 1
1 of 2

mm/hour. Blood lead levels were normal. A visual evoked potential was within normal limits. Serum B12 level was 240 mcg/ml (normal). Cerebral spinal fluid (spinal tap) evaluation showed an RBC count of 3/ul, WBC count of 18/ul and a differential count was 93% lymphocytes and 3% monocytes. The CSF glucose was 63 against a blood glucose of 89. A Tourtellotte formula was obtained and this showed an increased CSF IgG of 15.1 mg/dl, IgG/albumin ratio of 0.60, IgG synthesis rate of 55.2 mg/day and an IgG index of 1.77. All these clearly abnormal values. A serum anticardiolipin antibody was obtained and this showed moderately elevated IgG but normal IgM and IgA.

An MRI of the head showed multiple foci of abnormal signal in the white matter bilaterally, compatible with a demyelinating lesion.

A surface echocardiogram was within normal limits.

A lipid profile showed a total cholesterol of 235 which is moderately elevated and an LDL cholesterol of 161 which is high and a HDL cholesterol of 36.

As I discussed with you, the overall picture seems to fit best with a demyelinating illness such as multiple sclerosis. We suggest the following: 1) avoid situations which could potentially increase body temperature; 2) follow-up with us in six months. Please call for an appointment approximately two months' prior to the expected date of the appointment; 3) if you are interested in looking at research protocols for multiple sclerosis, we could refer you to the Mellen Center; 4) no specific intervention is indicated at this time; 5) consultation with a general physician regarding management of the moderately elevated cholesterol.

Once again, it was a pleasure participating in your care. Please do not hesitate to call us with any questions.

Yours sincerely,

Suresh Kumar

Suresh Kumar, M.D.
In the Service of

Hiroshi Mitsumoto, M.D.

SK/as
rec'd 9-17-92/tr. 9-18-92

Exhibit #1
2 of 2

12/21/96

I have made the following observation of Peg's condition:

Peg is and has been experiencing physical symptoms which may lead to a more serious
acerbation of her multiple sclerosis as a direct result of undue stress being subjected to at
rk by hostile work environment which is being perpetuated by management. For example,
ounseling notes" which were presented to her on 12/20/96 by Tim Ault and Maryellen Valaitis
utside of a structured review - citing alleged incidents from various coworkers which these
ividuals neither presented to Peg nor resulted in confrontation. Thus, she was unaware of
se alleged perceptions of interactions.

Nabisco was presented with standards which were to be immediately met and sustained:

-Several years ago when Peg was diagnosed with MS- i.e. the necessity for temperature
ntrol of work environment and avoidance of undue stress.

These standards are important because of the following impact on Peg's life:

If the aforementioned conditions are not met and respected then Peg's health may be
ffected on a temporary or even permanent basis.

I am informing Nabisco of the following with respect to these aforementioned issues:

Peg has organized her office space for maximum efficiency of job performance based on
nnovations she has created over her "years" of successful service to Nabisco.

These issues are very serious:

As her next of kin, I will see that her legal rights are protected, even if Peg lacks stamina to
do so.

re: Please see attached copy of Counseling Notes

Lynn Madigan

Lynn Madigan

cc: Tim Ault
Mark Perkins
Maryellen Valaitis
Sandi VonDralteln

Exhibit # 2

COUNSELING NOTES

1. I have made the following observation of Peggy's conduct/performance:

Peggy you have "blocked" the access window with binders. It prevents drivers and employees from having easy and direct access to you to conduct business.

Peggy you have built an office area around you that separates you from the rest of the team and makes it difficult for open communications.

Your comment to Cathy Roy on Wednesday, December 4th that you "deserve lunch because you do everything" is an example of placing yourself outside the team.

Peggy, Schneider representatives, expressed concern over working with you and being treated courteously. Bob, the shuttle driver, stated that you addressed him in a mean and nasty way when he approached you about pulling loads out and that you threw bills across the desk for him to sign. Bob also cited that there is a lack of communication between the two of you. You did not advise him on 12/3 that 2 loads were canceled. Bob stated he is trying to service our account but encounters a stressful feeling when he walks into your office.

2. I have informed Peggy of the following standards that are to be immediately met and sustained:

Do not block the access window between the warehouse and your office area.

Address Bob as well as employees, visitors, phone calls etc in a courteous business like manner.

Communicate with your team members including your manager on all appropriate work related issues (i.e., warehouse issues, overtime).

3. These standards are important because of the following impact on the work environment:

It is important that drivers have professional and easy access to you to conduct business in a timely and efficient manner.

We work as a team within the warehouse and the Seville Plant. It is critical that open two-way communication takes place.

Getting the tangible work done is only a portion of your responsibilities. How you get it done, and how you interact with the team and customers is also a significant

portion. If you get the job done but have isolated others while doing so you have not been truly successful as a team member.

4. I have informed Peggy of the following with respect to these performance issues

These issues will be reflected in the performance review. The review will either state that the issues have been addressed or that improvement is still required.

These performance issues in Teamwork and Cross-functional Effectiveness are very serious. Peggy's effectiveness as a Warehouse Clerk is dependent upon her immediate attention and improvement. Tim Ault & Maryellen will continue to assist Peggy however, if these issues are not addressed adequately in the next 30 days, further disciplinary action will be taken including being placed on a Plan of Corrective Action to formally address these issues.

5. These matters will be reviewed on Friday, January 24, 1996.

Tim Ault
12/20/96

[redacted].doc

To: Darrel Krueger

From: Peggy Madison

Date: April 26,1996

Subject: Utilization of office space

Use of the vacant office in shipping would provide the following benefits for the shipping/receiving/warehouse functions:

1) Privacy would provide a more professional sounding background for answering switchboard and shipping/receiving calls (presently sounds to the caller as though the is on the dock)

2) Privacy provides a quiet , more productive work environment (presently noise from p and other employees in the open office can be very distracting)

3) Better lighting benefits vision

4) More space provides room for better organization of current shipping/receiving record (and more space for future paperwork for any co-packing projects)

5) More space provides better access to equipment (calculator, computer, typewriter, switchboard, printer).

6) Better air ventilation and circulation for the person who is in the office all day (Peg)

7) Access to window view of front parking lot gives a better idea of what trucks are arrivi or parked (expedites decision making)

8) Provides capability to "lock up" switchboard if we deem necessary (security)

9) Open office (Peggys' present space) can then be used by employees to take on responsibilities of printing tickets for cross docks

10) Bar-code printer can be moved to a more accessible area, so all employees can reach

11) Open office can provide space for training of employees to trace packaging material, print receivers

12) A private office would provide a better atmosphere for Peggy to concentrate on developing new procedures and computer applications to further streamline job functions

Exhibit #3

THE CLEVELAND CLINIC FOUNDATION
9500 Euclid Avenue (At East 93rd Street)
Cleveland, Ohio 44195 Telephone: (216) 444-2200

NOT VALID FOR SCHEDULED DRUGS

DATE PRESCRIBED 11/29/96

Patient Name: Margaret Madigan History No.:

Street Address: City: State:

℞

Please excuse Mrs. Madigan from jury duty
She has multiple sclerosis, and is
subject to exacerbations with numbness
distortion or leg weakness - I advise
her to NOT perform jury duty

Prescriber's Signature Mark Mezger, MD

Prescriber's Printed Name MARK E. MEZGER, MD

☐ Label
☐ Do Not Refill
☐ Refill Times _____

2282030 Rev. 12/92

Exhibit #4

NABISCO

SPECIALTY PRODUCTS
COMPANY

Suite [illegible]
[illegible]
[illegible]
[illegible]
FAX [illegible]

Daryl Brewster
President

December 22, 1996

Margaret Madigan
SPC/Seville

Dear Margaret,

I would like to extend to you, on behalf of the Specialty Products Company and Nabisco, our sincere best wishes and appreciation on the occasion of your ten-year anniversary with the Company.

I hope that the past ten years have been interesting and rewarding to you and wish to thank you for your contribution over the years.

Again, congratulations and best wishes for your continued success and happiness.

Best regards,

Daryl Brewster

Exhibit #5

INTER-OFFICE CORRESPONDENCE

TO PEGGY MADIGAN

DATE JANUARY 3, 1995

FROM MARK PERKINS Mark

COPIES TO
M. EVERS
J. JONES
D. KRUEGER
M. VALAITIS

OFFICE PLANT MANAGER

SUBJECT 1994 ACTIVITIES

As a member of the employee activity committee, you provided valuable services to the Seville Team. The numerous activities your group planned in 1994 were appreciated by many. I want to thank you for your ideas and commitment to others on our team. This is an attitude that needs to be fostered throughout our team.

I look forward to your continued efforts in making Seville the best it can be. Together, we can achieve our goals. Thanks again for a job well done.

P.S. Santa may have been the highlight. Great job Santa!!

MP95.002

NABISCO BRANDS

Exhibit # 6

RECOGNITION NOTICE

Employee Peggy Madigan *Date* 9-15-95
Team Warehouse

This note is to express appreciation for:

Due to a lack of communication between the warehouse and corporate distribution personnel, an overnight air shipment of Snackwell tray pack shippers Failed to make the daily Air Freight pickup. Peggy recognized the importance of this shipment and took this package home with her and delivered it personally to the Airborne office, a distance of 35 miles in order For it to make that nights Flight and to Fill our commitment to the sales people in Texas. Her willingness to sacrifice her time may be a key to the Future success of the Snackwell line.

This is the type of situation which contributes to the GOOD of the Seville Plant. It is a real pleasure to take this moment to say Thank You!

By: Bob Byers

Copy: File

Exhibit #7

Madigan, Margaret

From: Laufenberg, Carol Anne
Sent: July of 31, 1997 16:03
To: Lea, Tracy; Russ, Trent; Madigan, Margaret
Cc: Bruno, Anthony; Ault, Tim
Subject: RE: Seville

Seville Update:

Peggy has been speaking with Monica at Schneider on a daily basis about inbounds, and so far the results are very positive! Loads are being identified earlier and brought in so we can turn them around and meet our case fills at the DC's. This is a big step and great progress for Seville!

Peggy,

Please continue to contact myself/and or Tracy when you see late shipments from copackers in the system. We will ensure that they take care of these loads so we do not run into the problems we have had in the past.

Trent,

Thank you for all of your hard work coordinating Schneider and Seville and working with Tracy to help shorten lead times.

Tracy and I are working on the MR fields with tier products. We hope to consolidate the information and enter it into DRP within the next two weeks.

I would like to schedule that conference call at the end of August/beginning of September if that is all right with everyone.

Thanks everyone, great team effort, we are making progess!

Carol Anne

From: Russ, Trent
Sent: Wednesday, July 30, 1997 11:06AM
To: Lea, Tracy
Cc: Laufenberg, Carol Anne
Subject: RE: Seville

That sounds great! This process will ensure that no loads are lost between the cracks.

Thanks -- Trent

From: Lea, Tracy
Sent: Wednesday, July 30, 1997 9:15AM
To: Russ, Trent
Subject: RE: Seville

Deployment should contact the copacker. Peggy should e-mail Carol Anne and myself with the details, and then I will have my deployer follow up immediately and respond.

Sound good?

Tracy

Exhibit # 8
(1 of 2)

From: Russ, Trent
Sent: Wednesday, July 30, 1997 8:57AM
To: Lea, Tracy
Subject: Seville

Schneider has confirmed that Seville is checking the inbound loads on a daily basis. The only question I have is: If a load has been scheduled to ship out of a co-packer and the co-packer has not contacted Schneider about the load and the load is past due to ship, who should contact the co-packer to see what is going on? Peggy? Deployment?

I would think Peggy should put up the flag to deployment who would follow up with the co-packer. Let me know what you think.

Thanks -- Trent

P.S. Any luck with the parameters on 384 and 208?

Exhibit # 5
(2 of 2)

NABISCO

[illegible]

September 2, 1997

Ms. Peggy Madigan
295 Westview
Wadsworth, OH 44281

Dear Ms. Madigan:

This letter constitutes the entire agreement between Specialty Products Company an operating company of Nabisco, Inc. (the "Company"), its successors and/or assigns, and you regarding the separation of your employment relationship with the Company. You are eligible for the Company's Salary and Benefit Continuation Program ("SBC") which is designed to provide you with a period of time during which the Company will continue to pay salary and benefits so that you can make arrangements for the next stage of your career. This letter sets forth the terms and conditions under which you agree to participate in the SBC. Please read this letter carefully. Then sign the copy of this Agreement where indicated on the last page and return it to me by September 23, 1997.

1. You will continue as a regular, full-time employee through September 30, 1997. If you voluntarily quit or are terminated by the Company for violation of Company rules, policies, guides or standards of conduct before that date, you will not participate in the SBC or receive the SBC benefits described below.

   On October 1, 1997, your SBC Date, you will be placed on a leave of absence with pay for inactive employees and you will be paid semi-monthly at the rate of $24,400 per year through December 15, 1997, your official "Separation Date" for Company records. All payments are subject to normal deductions for taxes, benefit program contributions and other payroll deductions. This period of paid leave of absence is referred to as "Salary Continuation" and is provided in order to preserve the Company's access to you during that period although you will be relieved of all your normal job duties and responsibilities. You agree that you will personally provide reasonable assistance and cooperation in locating or obtaining information concerning the Company (past or present) about which you are knowledgeable.

   You acknowledge that as of September 30, 1997, your active employment with the Company, or any of its affiliates, will be terminated.

2. If you become employed by any Company affiliate on a regular, full-time basis at any time prior to the end of your period of Salary Continuation, all payments or benefits under this Agreement, shall cease as of your date of hire and you agree that you will sign a waiver regarding the forfeiture of those rights and benefits.

   If you become employed by any Company affiliate after you have commenced to receive an annuity from the Company, any monthly retirement payments will be suspended during the period of your active employment. Upon your subsequent retirement, your retirement benefits shall reflect the accrual of any additional retirement benefits as provided by the applicable retirement plan for the period of service occasioned by your rehire.

   During Salary Continuation, if you become employed by an employer not affiliated with the Company, Salary Continuation payments and participation in the SELECT Flexible

Exhibit #9
(1 of 5)

Benefits Program will continue until your Separation Date, subject to coordination of benefits rules, as applicable.

3. If you die during Salary Continuation, Salary Continuation payments will cease, but any amounts that would have been paid to you had you lived until your Separation Date will be paid in a lump sum to your spouse, or if you do not have a spouse, to your designated beneficiary under the Company's Core Group Life Insurance plan.

4. All unused vacation attributable to the year in which your last day of active employment occurs will be paid in a lump sum based on your current base salary, less applicable taxes, at the end of Salary Continuation.

5. Prior to your SBC Date, you are expected to submit Expense Reports for all outstanding travel, entertainment and other business expenses. If any expense report(s) reflect any amounts owed to the Company, such expense will be deducted from Salary Continuation payments, as necessary.

6. Prior to your SBC Date, you must return all Company equipment such as personal computers or the value of such equipment, as determined by the Company, shall be deducted from the calculation of your Salary Continuation, if applicable.

7. Benefits

During Salary Continuation, you may continue to participate in the employee benefit programs in which you participated as of your SBC Date except as otherwise provided in this Agreement or by the terms of the individual program. You may participate as though you were an active employee, subject to the continuation of applicable payroll deductions. You are not eligible for Short or Long Term Disability benefits during Salary Continuation.

Nabisco maintains the right to determine whether changes and/or new benefit programs implemented after the date of this letter apply to you, unless otherwise required by law.

The following is a summary of benefit continuation.

Pension

You are vested in the Retirement Plan for Employees of RJR Nabisco, Inc.

If your lump sum benefit is equal to or less than $3,500, you will automatically receive a lump sum payment shortly after your Separation Date. Otherwise, you will have an irrevocable choice of receiving your benefit as a lump sum or an immediate annuity, or electing a deferred annuity which can commence no later than age 65. Appropriate election forms will be provided to you on or about your Separation Date. Note: If you receive a lump-sum payout, you may elect to "roll it over" to your Capital Investment Plan account, an IRA, or another company's qualified plan.

In addition, in an effort to streamline the pension processing effort, please provide a copy of your Birth Certificate, and where appropriate, Marriage Certificate, divorce papers and spouse's Death Certificate, along with your signed SBC letter.

Medical/Dental

Your present benefit elections under the SELECT Flexible Benefit Program as an active employee will continue during the period of Salary Continuation. Should you become employed by an employer not affiliated with the Company, health care coverage provided by your new employer will be coordinated with our plan benefits.

Exhibit #9
(2-95)

All coverage under SELECT benefits will cease at the end of the month during which your Salary Continuation ends. Notice of continuation coverage options for medical and/or dental (COBRA) will be mailed to you at that time. If you have not enrolled in an alternative employer's medical and/or dental coverage program, you may elect continuation coverage (COBRA). The monthly premium will be 102 percent of actual plan cost as provided in COBRA. Specific costs and details will be provided at the appropriate time.

Capital Investment Plan (CIP)

During Salary Continuation, you may continue to make contributions to the Capital Investment Plan ("CIP"), and retain all other rights under the plan, including the right to transfer investments between funds, change your contribution amount, and to request withdrawals. However, no loan applications will be approved during Salary Continuation. Following your Separation Date, your account balance will be distributed to you in accordance with the terms of the Plan. If your vested account is less than $3,500, a cash lump sum distribution will be processed automatically, otherwise, you may elect to take distribution at anytime prior to age 65. If you leave your money in your account following your Separation Date, you will no longer be eligible for partial withdrawals. If you wish to receive any of your account following your Separation Date, you must withdraw your entire account which can then be "rolled-over" into an IRA or another employer's Plan. If you have an outstanding loan, it must be repaid at termination or it will be considered a withdrawal and you will be responsible for any taxes due. For additional details of your account, please call 1-800-INTO ABC.

Scholastic Savings Plan (SSP)

You may continue to participate or newly enroll in the RJR Nabisco Scholastic Savings Plan during Salary Continuation. Upon your Separation Date, no further contributions will be permitted, however, your account(s) including the Company match will be maintained with continued interest growth. Distribution of your account(s) will be processed in accordance with program rules for active employees.

In addition, you may apply for an RJR Nabisco Scholastic Loan during Salary Continuation. You will continue to be eligible for the interest subsidy for the life of your outstanding loans (e.g., RJRN Plus Loan or RCFCU/RJRN Scholastic Loan).

8. You are entitled to use the outplacement counseling service designated by the Company for which the Company will pay not more than the normal and reasonable fee. You are not obligated to use this service, but the Company urges you to consider this service as one of the avenues to finding new employment. Details of this service will be provided by Edward Luttner and Associates.

9. You will be eligible for tuition aid reimbursement for courses which are approved and commence prior to SBC.

10. You shall maintain the terms and conditions of this Agreement in confidence. In addition, you will not disclose to any other employer or person any trade secrets or other proprietary or confidential information pertaining to the Company or its affiliates. In accordance with normal ethical and professional standards, you will refrain from taking actions or making statements, written or oral, which disparage or defame the goodwill or reputation of the Company, its directors, officers, executives and employees or which could adversely affect the morale of other employees.

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(3 of 5)

11. Except as otherwise stated herein, no benefits (other than those provided by a tax-qualified plan or trust) or promise hereunder shall be secured by any specific assets of the Company. The payments under this Agreement shall not be assigned by you or anticipated in any way and any such attempted assignment will be void.

12. For your period of SBC, you agree not to make application for unemployment compensation applicable to that period.

13. a) You agree that you will personally provide reasonable assistance and cooperation to the Company in activities related to the prosecution or defense of any pending or future lawsuits or claims involving the Company. b) You will promptly notify the Company if you receive any requests from anyone other than an employee or agent of the Company for information regarding the Company or if you become aware of any potential claim or proposed litigation against the Company. c) You will refrain from providing any information related to any claim or potential litigation against the Company to any non-Company representatives without either the Company's written permission or being required to provide information pursuant to legal process. d) If required by law to provide sworn testimony regarding any Company-related matter, you will consult with and have Company-designated legal counsel present for such testimony. e) The Company will be responsible for the costs of such designated counsel and you will bear no cost for same. f) You will confine your testimony to items about which you have knowledge rather than speculation, unless otherwise directed by legal process. g) You will cooperate with the Company's attorneys to assist their efforts, especially on matters you have been privy to, holding all privileged attorney-client matters in strictest confidence.

Nothing in sentences c-g of the above paragraph is intended to apply to governmental or judicial investigations; provided, however, the Company will reimburse you for legal expenses if you are compelled to appear in a governmental or judicial investigation.

14. THE COMPENSATION AND BENEFITS ARRANGEMENT SET FORTH IN THIS AGREEMENT IS IN LIEU OF ALL RIGHTS OR CLAIMS THAT YOU MAY HAVE WITH RESPECT TO SEVERANCE BENEFITS, REEMPLOYMENT, OR ANY OTHER FORM OF REMUNERATION FROM THE COMPANY AND ITS AFFILIATES, AND IN CONSIDERATION THEREOF, AFTER THE OPPORTUNITY TO CONSULT LEGAL COUNSEL, WHICH YOU ARE HEREBY UNCONDITIONALLY SO ADVISED TO DO IN CONNECTION WITH THIS LETTER, AND PARTICULARLY, THIS PARAGRAPH WHICH IS A WAIVER AND RELEASE, YOU HEREBY RELEASE THE COMPANY AND ITS AFFILIATES, THEIR DIRECTORS, OFFICERS, EMPLOYEES, AND STOCKHOLDERS FROM ALL CLAIMS OR ACTIONS ARISING FROM OR IN ANY WAY RELATED TO YOUR EMPLOYMENT OR SEPARATION OF YOUR EMPLOYMENT, INCLUDING, BUT NOT LIMITED TO, ANY CLAIMS ARISING UNDER THE FEDERAL AGE DISCRIMINATION IN EMPLOYMENT ACT ("ADEA"), AMERICANS WITH DISABILITIES ACT (ADA), TITLE VII OF THE FEDERAL CIVIL RIGHTS ACT, THE CIVIL RIGHTS ACT OF 1991, OR ANY OTHER FEDERAL, STATE OR LOCAL STATUTES OR COMMON LAW CONCERNING EMPLOYMENT AND YOU AGREE TO BRING NO ACTION, CHARGE, SUIT OR OTHER PROCEEDING IN CONNECTION HEREUNDER. THIS SECTION AND THE RELEASE HEREUNDER SHALL NOT APPLY TO CLAIMS ARISING UNDER ADEA AFTER YOUR "SBC DATE". IF, AFTER READING THE FOREGOING, YOU SIGN THIS LETTER PRIOR TO A 21-DAY REVIEW PERIOD, YOU WAIVE SUCH REVIEW PERIOD.

15. If the Company reasonably determines that you violate any of your obligations under this Agreement, then the Company may, at its option, terminate the Salary Continuation and any other benefits hereunder. The Company may demand the return

Exhibit #9
(1 of 5)

of all Salary Continuation payments already made and you hereby agree to return such payments upon such demand. If you fail to do so, the Company has the right to recover costs and attorney's fees associated with such recovery. The RJR Nabisco Employee Benefits Committee and its designated representatives have the exclusive authority to interpret this SBC and their decisions are final, conclusive and binding on the Company and you.

16. This Agreement may not be amended except in writing signed by you and the Company and no amendments or modifications are contemplated at this time.

17. Your obligations as set forth in this Agreement will survive indefinitely.

18. A copy of the SBC Program is attached to this letter. If you have any questions, contact Maryellen Valaitis.

19. This agreement may be revoked by you for a period of seven (7) consecutive calendar days after you have signed and dated it, and after such seven (7) days, it becomes final.

Please indicate your acceptance of the terms of this Agreement by signing this letter and returning it to me.

Sincerely,

Specialty Products Company

Mark M. Perkins
Plant Manager

Understood and Agreed:

_____
Peggy Madigan

_____
Date

pmsbc.doc

Exhibit #9
(5 of 5)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Cleveland District Office
1660 West Second Street, Suite 850
Cleveland, OH 44113-1454
(216) 522-2001
TTY (216) 522-8441
FAX (216) 522-7395

LINCP
HOPE MAIL
334 7005

Charge No. 220981021

Margaret A. Madigan
295 Westview Avenue
Wadsworth, Ohio 44281

Charging Party

Nabisco Inc.
5180 Greenwich Road
Seville, Ohio 44273

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under the Age Discrimination in Employment Act of 1967, as amended (ADEA), and Title I of the Americans with Disabilities Act of 1990, as amended (ADA).

All requirements for coverage have been met. Charging Party alleged that she was discriminated against by being terminated due to her age (over 40), denied a reasonable accommodation due to her disability and asked to sign a General Release that was in violation of Title VII of the Civil Rights Act of 1964, as amended (Title VII), the Age Discrimination in Employment Act of 1967, as amended (ADEA), the Equal Pay Act of 1963, as amended (EPA), and Title I of the Americans with Disabilities Act of 1990, as amended (ADA).

Respondent denies the allegations.

After a thorough review of the evidence, there is not reasonable cause to believe that Charging Party was discriminated against due to her age or her disability. Based on the foregoing, I have determined that the evidence obtained during the investigation does not establish a violation of the statute.

The Charging Party may only pursue this matter by filing suit against the Respondent within 90 days of receipt of this letter. Otherwise, Charging Party's right to sue will be lost.

However, with regard to the Waiver/Release, investigation reveals that Respondent asked Charging Party to sign a "General Release of Claims". This "General Release" fails to meet the criteria for a knowing and voluntary waiver, in accordance with the "EEOC Guidance on Waivers Under Civil Rights Laws", dated April 10, 1997, final regulation published at 63 Fed. Reg. 30624 on July 5, 1998, and effective July 6, 1998.

Exhibit #10
(1 of 3)

Moreover, the waiver provision may produce a chilling effect, thereby undermining the Commission's ability to enforce Title VII, the ADEA, the EPA, and the ADA. These provisions may intimidate or have the effect of intimidating employees and create disincentives for them to cooperate with EEOC in safeguarding the public interest.

Upon finding that there is reason to believe that a violation has occurred, the Commission attempts to eliminate the alleged unlawful practice by informal methods of conciliation. Therefore, the Commission now invites the Respondent to join with it in reaching a just resolution of this matter. The confidentiality provisions of the Title VII, the ADEA, the EPA, the ADA, and Commission Regulations apply to information obtained during conciliation.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

On Behalf of the Commission,

AUG 2 2 2000
Date

Michael C. Fetzer
District Director

Exhibit #10
(2 of 3)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Cleveland District Office

1660 West Second Street, Suite 850
Cleveland, OH 44113-1412
(216) 522-2001
TTY (216) 522-8441
FAX (216) 522-7395
Website: www.eeoc.gov

Charge Number: 220981021

Charging Party: Margaret Madigan

Respondent: Nabisco, Inc.

Ms. Margaret A. Madigan
295 Westview Avenue
Wadsworth, Ohio 44281

Dear Ms. Madigan:

Your case will be referred to the Regional Attorney for review to determine whether EEOC will bring civil action in Federal District Court against the respondent. A determination will be forthcoming in the near future.

If EEOC decides not to bring a civil action under Title VII of the Civil Rights Act of 1964, as amended (Title VII), the Age Discrimination in Employment Act 1967, as amended (ADEA), and Title I of the Americans with Disabilities Act of 1990, as amended (ADA), you will have the right to seek to intervene in such an action. If EEOC decides that it will not bring a civil action under Title VII, ADEA, and the ADA, based on your charge, you will be notified and will receive a Notice of Right to Sue, which will entitle you to sue the respondent under this statute.

On Behalf of the Commission:

SEP 07 2000

Date

Michael C. Fetzer
District Director

Exhibit # 10
(3 of 3)

OHIO BUREAU OF EMPLOYMENT SERVICES

DETERMINATION OF BENEFITS

Claimant's Name	Benefit Year Ending Date	Social Security Account Number
MADIGAN, MARGARET A.	35/98	261-86-4041

THIS NOTICE IS A DETERMINATION ON A CLAIM FOR UNEMPLOYMENT BENEFITS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 4141.28(D)(1) AND (D)(2), OHIO REVISED CODE.

Date: 09/24/97

Local Office: 4610

MADIGAN, MARGARET A.
295 WESTVIEW AVE
WADSWORTH OH 44281

THIS NOTICE IS A DETERMINATION OF:

- [X] First weekly claim
- [ ] Additional (reopened) weekly claim
- [ ] Continued weekly claim
- [ ] Other. See decision in Issues Section

ISSUE(S): APPLICABLE LAW: . . .

REASON FOR SEPARATION: DISCHARGE — SECTION 4141.29(D)(2)(a), ORC

Claimant was discharged from employment with NABISCO

because of an incident that resulted in a loss to the employer.

A review of the facts establish that there was not enough fault on the part of the claimant in his/her acts, omissions, or course of conduct that an ordinary person would find the discharge justifiable.

Therefore, claim for week ending 09-06-97 is allowed.

CC: NABISCO

Exhibit #11

APPEAL RIGHTS: If you think this determination is incorrect as to fact or law, or if you have additional facts which might affect the determination, you may file a request for reconsideration in person at any bureau office. You will be given assistance in preparing your written request. If you desire, you may write directly to the local office in which the claim is filed. Your request should state the item(s) with which you disagree, the reason(s) for the disagreement, the social security account number as shown on this notice, and must be signed by you. To be considered timely, your request must be filed in person or postmarked no later than twenty-one calendar days after the date entered in "Date Mailed" above. If the twenty-first day falls on a Saturday, Sunday, or legal holiday, the period for filing is extended to include the next scheduled workday. Also, upon receipt of certified medical evidence showing that claimant's physical condition or mental capacity prevented him/her from filing an appeal within the specified 21-day period, claimant's time shall be extended and the request shall be considered timely if filed within twenty-one days after the end of the physical or mental condition.

(EXHIBIT 12) REPORT 1

ASPARTAME

WORLD ENVIRONMENTAL CONFERENCE and the MULTIPLE SCLEROSIS FOUNDATION
FDA Issuing for collusion with Monsanto
Article written by Nancy Markle (1120197)

I have spent several days lecturing at the WORLD ENVIRONMENTAL CONFERENCE on "ASPARTAME marketed as 'NutraSweet', 'Equal', and 'Spoonful'. In the keynote addressed by the EPA, they announced that there was an epidemic of multiple sclerosis and systemic lupus, and they did not understand what toxin was causing this to be rampant across the United States. I explained that I was there to lecture on exactly that subject.

When the temperature of Aspartame exceeds 88 degrees F., the wood alcohol in ASPARTAME converts to formaldehyde and then to formic acid, which in turn causes metabolic acidosis. (Formic acid is the poison found in the sting of fire ants). The methanol toxicity mimics MULTIPLE SCLEROSIS; thus people were being diagnosed with having multiple sclerosis in error. *Multiple sclerosis* is not a death sentence, where methanol toxicity is.

In the case of SYSTEMIC LUPUS, we are finding it has become almost as rampant as *multiple sclerosis*, especially Diet Coke and Diet Pepsi drinkers. Also, with methanol toxicity, the victims usually drink three to four 12-oz cans of them per day, some even more. In the cases of *systemic lupus*, which is triggered by ASPARTAME, the victim usually does not know that the ASPARTAME is the culprit. The victim continues its use aggravating the *lupus to such a degree, that sometimes it becomes life threatening.*

When we get people off the Aspartame, those with SYSTEMIC LUPUS usually become asymptomatic. Unfortunately, we cannot reverse this disease.

On the other hand, in the case of those diagnosed with *Multiple Sclerosis*, (when in reality, the disease is methanol toxicity), most of the symptoms disappear. We have seen cases where their vision has returned and even their hearing has returned. This also applies to cases of tinnitus.

During a lecture I said "If you are using ASPARTAME (NutraSweet, Equal, Spoonful, etc.) and you suffer from FIBROMYALGIA *symptoms, spasms, shooting pains, numbness in you legs, cramps, vertigo dizziness, headaches, tinnitus, joint pain, depression, anxiety attacks, slurred speech, blurred vision, or memory loss* – you probably have ASPARTAME DISEASE". People were jumping up during the lecture saying, "I've got this, is it reversible?" IT IS PAINFUL. Some of the speakers at my lectures were [illegible] suffering from these symptoms.
In one lecture attended by the Ambassador of Uganda, he told us that their sugar industry is adding aspartame! He continued by saying that one of the industry leader's son could no longer walk -- due in part by product usage!

We have a very serious problem. Even a stranger came up to Dr. Espisto (one of my speakers) and myself and said, "Could you tell me why so many people seem to be coming down with *MS*?" During a visit to a hospice, a nurse said that six of her friends, who were heavy *Diet Coke addicts*, had all been diagnosed with *MS*. This is beyond coincidence!

Here is the problem. There were *Congressional Hearings* when ASPARTAME was included in 100 different products. Since this initial hearing, there have been two subsequent hearings, but to no avail. Nothing has been done. *The DRUG and CHEMICAL LOBBIES have very deep pockets. Now there are over 5,000 products containing this chemical, and the PATENT HAS EXPIRED!!!*

At the time of this first hearing, people were going BLIND. *The methanol in the Aspartame converts to FORMALDEHYDE in the retina of the eye.* Formaldehyde is grouped in the same class of drugs as cyanide and arsenic – DEADLY POISONS!!!! *Unfortunately, it just takes longer to quietly kill, but it is killing people and causing all kinds of neurological problems.*

Aspartame changes the brain's chemistry. It is the reason for severe seizures. This drug changes the Dopamine level in the brain. Imagine what this drug does to patients suffering from *Parkinson's Disease. This drug also causes Birth Defects.*

There is absolutely no reason to take this product. It is NOT A DIET PRODUCT!!! The Congressional record said, *"It makes you crave carbohydrates and will make you FAT"*. Dr. Roberts stated that when he got patients off Aspartame, their *average weight loss was 19 pounds per person. The Formaldehyde stores in the fat cells, particularly in the hips and thighs.*

ASPARTAME is especially DEADLY FOR DIABETICS. All physicians know what wood alcohol will do to a diabetic. We find that physicians believe that they have patients with RETINOPATHY, when in fact, *it is caused by Aspartame*. The Aspartame keeps the blood sugar level out of control causing may patients to go into a coma. Unfortunately, many have died.

People were telling us at the Conference of the American College of Physicians that they had *relatives that switched*

from Saccha[illegible] to an Aspartame product and how that relative had eventually gone into a coma. Their physicians could not get the blood sugar levels under control. Thus, the patients suffered acute memory loss and eventually coma and death.

MEMORY LOSS is due to the fact that Aspartic Acid and Phenylalaine are neurotoxic without the other amino acids found in protein. Thus it goes past the blood brain barrier and deteriorates the neurons of the brain. Dr. Russell Blaylock, Neurosurgeon, said, "The ingredients stimulates the neurons of the brain to death, causing brain damage of varying degrees. Dr. Blaylock has written a book entitled "EXITOTOXINS: THE TASTE THAT KILLS" (Health Press 1-800-644-2665). Dr. H.J. Roberts, Diabetic Specialist and World Expert on Aspartame poisoning, has also written a book entitled "DEFENSE AGAINST ALZHEIMER'S DISEASE" (1-800-814-9800). Dr. Roberts tells how Aspartame Poisoning is escalating Alzheimer's Disease, and indeed it is. As the hospice nurse told me, women are being admitted at 30 years of age with Alzheimer's Disease. Dr. Blaylock and Dr. Roberts will be writing a position paper with some case histories and will post it on the Internet. According to the Conference of the American College of Physicians, we are talking about a PLAGUE of neurological diseases caused by this deadly poison".

Dr. Roberts realized what was happening when Aspartame was first marketed. He said, "his diabetic patients presented memory loss, confusion, and severe vision loss". At the conference of the American College of Physicians, doctors admitted that they did not know. They had wondered why seizures were rampant (the Phenylalaine in Aspartame breaks down the seizure threshold and depletes Serotonin, which causes manic depression, panic attacks, rage and violence).

Just before the Conference, I received a FAX FROM NORWAY, asking for a possible antidote for this poison because they are experiencing so many problems in their country. This "Poison" is now available in 90 PLUS countries worldwide. Fortunately, we had speakers and ambassadors at the Conference from different nations who have pledged their help. We ask that you help too.

Print this article out and warn everyone you know. Take anything that contains Aspartame back to the store. Take the "NO ASPARTAME TEST" and send us your case history.

I assure you that MONSANTO, the creator of Aspartame, knows how deadly it is. *They fund the American Diabetes Association, American Dietetic Association, Congress, and the Conference of the American College of Physicians.* The New York Times, on November 15, 1996, ran an article on how the *American Dietetic Association takes money from the food industry to endorse their products.* Therefore, they can not criticize any additives or tell about their link to

ASPARTAME DISEASE is partially the cause to what is behind some of the *mystery of the Dessert Storm health problems.* The burning tongue and other problems discussed in over 60 cases can be directly related to the consumption of an Aspartame product. Several thousand pallets of Diet Drinks were shipped to the Dessert Storm troops. (Remember heat can liberate the Methanol from the *Aspartame* at 86 degrees F). Diet drinks sat in the 120 degree F Arabian sun for weeks at a time on pallets. The service men and women drank them all day long. All of their symptoms are identical to ASPARTAME POISONING. Dr. Roberts says "consuming *Aspartame* at the time of conception can cause birth defects". The Phenylalaine concentrates in the placenta, causing mental retardation, according to Dr. Louis Elsas, Pediatrician Professor Genetics, at Emory University in his testimony before Congress.

In the original lab tests, animals developed brain tumors (Phenylalaine breaks down into DXP, a brain tumor agent). When Dr. Espisto was lecturing on *Aspartame*, one physician in the audience, me, a neurosurgeon, said "when they remove brain tumors, they have found high levels of *Aspartame* in them".

STEVIA, A SWEET FOOD, NOT AN ADDITIVE, which helps in the metabolism of sugar, which would be ideal for diabetics, has now been approved as a dietary supplement by the FDA. For years, the FDA has outlawed this sweet food because of their loyalty to MONSANTO.

If it says "SUGAR FREE" on the label -- DO NOT EVEN THINK ABOUT IT!!!

Senator Howard Hetzenbaum wrote a bill that would have warned all pregnant mothers and children of the dangers of Aspartame. The bill would have also instituted independent studies on the problems existing in the population (seizures, changes in brain chemistry, changes in neurological and behavioral symptoms). IT WAS KILLED BY THE POWERFUL DRUG AND CHEMICAL LOBBIES, LETTING LOOSE THE HOUNDS OF DISEASE AND DEATH ON AN UNSUSPECTING PUBLIC. Since the Conference of the American College of Physicians, we hope to have the help of some world leaders.

(Again, please help us. There are a lot of people out there who must be warned, "please" let them know this information.)

TO ALL DIET POP (Diet Pepsi, Diet Coke, etc.) AND NUTRA-SWEET AND EQUAL CONSUMERS:

The "sugarless" sweetening agent of most diet drinks, toothpastes, chewing gums, and other substances engineered by the food industry contains a synthetic compound called Aspartame. Once in the body, Aspartame breaks down to aspartic acid, phenylalanine and methyl-alcohol. Methyl-alcohol has long been known to be severely toxic and a cause of blindness in humans. Aspartic acid and phenylalanine are essential amino acids which occur naturally and are needed in the normal human physiology. Amino acids occur in nature predominantly in one form, the so-called L-form. In this form, amino acids can be absorbed and utilized by the body. D-forms of the same amino acids block the action of the natural amino acids and are toxic and destructive to human health. The studies that lead to the approval of Aspartame were only performed on Aspartame that came fresh out of the refrigerator in the laboratory. However, it has long been shown that when Aspartame is ingested, it warms up, mutates and breaks down into the D-forms of aspartic acid and phenylalanine. Aspartame constitutes one of the most severe threats to the western world at present, more so than radiation, organic toxins and heavy metals.

Here is a list of illnesses that have been shown to be caused by the ingestion of Aspartame:

Neurologic: Atypical facial pain, confusion, dizziness, headaches, insomnia, paresthesias, convulsions, hyperactivity, tremors, memory loss, seizures, MS-type symptoms. After exposure of a sensitive individual to Aspartame (i.e., chewing "sugarless" gum or drinking Diet Pepsi), it usually takes several months until recovery begins. However, most of these symptoms are reversible up to a certain stage. At later stages, malignant or benign brain tumors occur which usually result in death (or other health problems).

Psychological: Depression, anxiety, irritability, personality changes.

Musculoskeletal: Severe joint pains, neck pain, low back pain, migraine headaches, sciatica, GI symptoms (abdominal pain, nausea, diarrhea, food allergies).

Skin: Severe itching, rashes, herpes-type outbreaks.

Chest : chest pain, palpitations, tachycardia, hypertension

Endocrine/Metabolic: Aggravation of diabetes and diabetic neuropathy, paradoxic weight gain or weight loss, hair loss, hypoglycemia, menstrual irregularities, infertility, excessive thirst, fluid retention, hypothyroidism, goiter.

Eye: Tunnel vision, eye pain, blurred vision, blindness, tearing, dryness, retinopathy.

Ear: Tinnitus (ringing), vertigo, hearing loss.

Aspartame was approved by the FDA in 1981 based on fraudulent and faulty studies. Immediately after the introduction of Aspartame, the incidence of primary brain lymphomas increased, and shortly after that, the rise of more common brain cancers skyrocketed, and has ever since (the increase in brain cancers in the last ten years has been approximately 500%).

Aspartame has been shown to also cause bladder and related cancers and to contribute to chronic fatigue, multiple chemical sensitivities, Alzheimer's disease and chronic pain. A good publication on the subject is by H. J. Roberts, Clinical Research 136 #3, 1988, 489 A. A good book written on the subject is by the same author, Sweet'ner Dearest, by H. J. Roberts, M.D., Sunshine Sentinel Press, Inc.; PO Box 8697, West Palm Beach, Florida 33407; phone number: 407/832-2409.

Please don't ask me why Aspartame has not been taken off the market since it is so dangerous. In the past, government and industry have never shown much interest in protecting the public, especially when everyone is getting paid well. Beyond that, as the philosopher Schopenhauer said decades ago:

"Truth is always going through three stages:
First, it is ridiculed;
Then it is violently opposed;
Then it is accepted as being self-evident."

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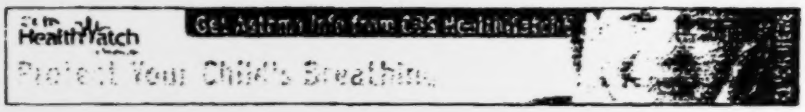

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Abstract

Title

Increasing brain tumor rates: is there a link to ***aspartame***? [se comments]

Author

Olney JW; Farber NB; Spitznagel E; Robins LN

Address

Department of Psychiatry, Washington University Medical Scl Louis, MO 63110, USA.

Source

J Neuropathol Exp Neurol; VOL 55, ISS 11, 1996, P1115-23

Secondary Source ID

TOXBIB/97/093657;

Abstract

In the past two decades brain tumor rates have risen in severa industrialized countries, including the United States. During th brain tumor data have been gathered by the National Cancer I from catchment areas representing 10% of the United States population. In the present study, we analyzed these data from to 1992 and found that the brain tumor increases in the Unitec occurred in two distinct phases, an early modest increase that primarily reflect improved diagnostic technology, and a more r sustained increase in the incidence and shift toward greater malignancy that must be explained by some other factor(s).

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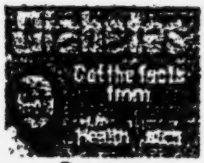

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tumors, the artificial sweetener aspartame is a promising cand explain the recent increase in incidence and degree of malign brain tumors. Evidence potentially implicating ***aspartame*** incl an early animal study revealing an exceedingly high incidence brain tumors in ***aspartame***-fed rats compared to no brain tum concurrent controls, the recent finding that the ***aspartame*** mo has mutagenic potential, and the close temporal association (***aspartame*** was introduced into US food and beverage marke several years prior to the sharp increase in brain tumor incide malignancy). We conclude that there is need for reassessing t carcinogenic potential of ***aspartame***.

Language

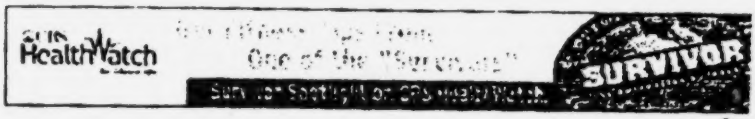
Eng

Publication Type

JOURNAL ARTICLE

CAS Registry Number

0 (Sweetening Agents); 22839-47-0 (***Aspartame***)



Spo

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Abstract

Title

Aspartame intolerance.

Author

Garriga MM; Metcalfe DD

Address

Mast Cell Physiology Section, National Institute of Allergy and Infectious Diseases, Bethesda, Maryland.

Source

Ann Allergy; VOL 61, ISS 6 Pt 2, 1988, P63-9 (REF: 32)

Secondary Source ID

TOXBIB/89/086740;

Abstract

Aspartame is a food additive marketed under the brand name Nutrasweet. ***Aspartame*** is a white, odorless, crystalline powd consists of two amino acids, L-aspartic acid and L-phenylalani 180 times as sweet as sugar. The Food and Drug Administrati (FDA) first allowed its use in dry foods in July 1981 and then approved its use in carbonated beverages in July 1983. It has subsequently been approved for use in a number of materials including multivitamins, fruit juices, stick-type confections, bre mints, and iced tea. The FDA requires the statement "phenylketonurics: contains phenylalanine on labels of food pr containing ***aspartame*** because individuals with phenylketonu

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judged to be free of long-term cancer risks. ***Aspartame*** is not under certain conditions including baking and cooking, and prolonged exposure to acid conditions. In such situations it los sweetness. Products formed from ***aspartame*** include its com amino acids (phenylalanine and aspartic acid), methanol, and diketopiperazine (DKP). Animal studies show DKP to be nonc Methanol occurs in small amounts and does not exceed that fc during consumption of many foods including fresh fruits and vegetables. FDA's Center for Food Safety and Applied Nutritio (CFSAN) monitors ***aspartame***'s safety in part through reports adverse reactions. After ***aspartame*** was approved for use in carbonated beverages, the FDA received an increased numbe reports concerning adverse reactions related to ***aspartame***. T Centers for Disease Control (CDC) reviewed these reports, wh included complaints of neurologic, gastrointestinal, andallergic reactions.(ABSTRACT TRUNCATED AT 250 WORDS)

Language

Eng

Publication Type

JOURNAL ARTICLE; REVIEW; REVIEW, TUTORIAL

CAS Registry Number

0 (Dipeptides); 22839-47-0 (***Aspartame***)

Spo

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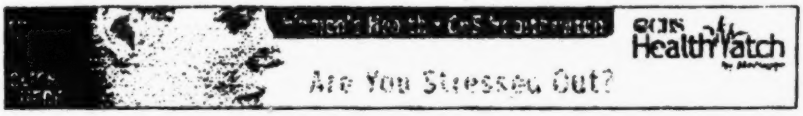

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Medical Dictionary
Medical Test Handbook
Community Organizations

MEDLINE
AIDSLINE
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Related Sites

Abstract

Title

Health Hazard Evaluation Report HETA 86-035-2224, Nabisc Brands, Inc., Seville, Ohio.

Author

Burr GA; Bernard BP

Address

National Inst. for Occupational Safety and Health, Cincinnati, (Hazard Evaluations and Technical Assistance Branch.

Source

Govt Reports Announcements & Index (GRA&I), Issue 24, 19

Secondary Source ID

NTIS/PB92-229079

Abstract

TD3: In response to a request from the United Food and Comi Workers Union Local 880, an investigation was begun of poss airway irritation symptoms among workers exposed to the artif food sweetener ***aspartame*** (22839470) at Nabisco Brands, In (SIC-2099) in Seville, Ohio. ***Aspartame*** had been used as a f additive in sugar free products since 1983 at this facility. A ser on site surveys was conducted to evaluate work practices, ass employee exposures to airborne dusts, and conduct a medical evaluation. No relationship was found between airborne ***aspar*** exposure and respiratory symptoms or changes in peak expira

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such as wheezing, shortness of breath, or chest tightness rec
the time of peak flow measurements and the presence of *aspa*
No dose response relationship was found for respiratory symp
recorded during peak expiratory flow rates and exposure to
aspartame. The authors conclude that there was no evidence
occupationally related lower respiratory disorder at this facility.
authors recommend that improvements be made to local exha
ventilation in several areas of the facility, and also recommend
implementation of a respiratory protection program.

Keywords

Occupational safety and health; Environmental surveys; Toxic
substances; Industrial medicine, Ventilation, Occupational exp
Food additives, Food industry, Inhalation, Toxicity, Respirator
system, Dust, Asthma, Sweetening agents

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EXHIBIT # 15

NABISCO FOODS GROUP

'erformance Review

AME: PEGGY MADIGAN REVIEW PERIOD FROM: 3/1/95 TO 3/1/96

TLE: TRAFFIC CLERK COMPONENT: SPC OPERATIONS - SEVILLE PLANT

PERFORMANCE RESULTS

RESPONSIBILITIES & OBJECTIVES	ACHIEVEMENTS	DS	CM	EF	DV	DF
...re shipping orders from Distribution Order ...rol. Confirm inventory availability, ...ule shipments, prepare Bills of Lading, ...erify load counts on all outbound ...ents.	Peggy continues to do an excellent job in this responsibility. She has been a key to the JIT process in the cross docking by identifying inventory availability and matching needs with the orders. She works with production to ensure inventory availability. She maintains a consistent shipping schedule. OS&D are maintained at a division low.		X			
...dule incoming/outgoing trucks for finished, ..., and packaging materials. Maintain ...t with trucking dispatchers of preferred ...r base to assure schedules are followed.	Peggy effectively maintains a good working partnership with the carriers and effectively schedules materials to facilitate the smooth daily operation of the department.			X		
...and maintain shipment data into ...ory control PC to relieve warehouse ...inventory, generate lot breakdown ...g lists, and establish record for all ...ent history.	All shipment data transactions are accurately maintained on a timely basis. Peggy was instumental in developing and monitoring the method for entering cross dock material to allow its' tracing through our shipment history. This responsibility is handled daily at a high level of efficiency. ← got a # to support this?		X			
...e communications through fax reports as ...ed by distribution warehouses, ...ation and balance of T-change reports to ...mitted to computer room, and daily ...ciliation of finished transactions against ...s submitted to N.I.R.S.	This responsibility is effectively handled on a daily basis. Peggy has maintained an effective communication flow between Seville and all required parties. needs to communicate reasons for T changes to management with the goal of reducing this activity to bare minimum. Actual # could be one of her 1996 goals			X	X ?	

Handwritten notes beside the first row: how we doing X docks at 13 of 2 afto ... give me some supporting numbers how low vs div!

-3-

erformance Review

NABISCO FOODS GROUP

E: PEGGY MADIGAN - PAGE 2 REVIEW PERIOD FROM: 3/1/95 TO 3/1/96

E: COMPONENT:

PERFORMANCE RESULTS						
ESPONSIBILITIES & OBJECTIVES	ACHIEVEMENTS	DS	CM	EF	DV	DF
s and maintains warehouse log into n software to show location and ction date of finished and packaging for proper stock rotation.	The tracer system is updated on a daily basis and Peggy maintains effective control over all transactions involving stock rotation of finished goods. The packaging system is less effective due to timeliness issues beyond Peggy's control.			X		
re and schedule all miscellaneous ents, including MSO shipments, daily nd air freight shipments, and backup ation on these shipments.	Peggy handles this area of responsibility on a timely basis. Paperwork is accurate and shipments virtually always go on time. Cite the # of on-time shipments			X		
maintain files, and function within an and productive office environment and n other departments as required.	Peggy has been a valuable and effective team member in promoting cross-functional responsibilities across departments. Her own office is very professionally maintained. ← What, besides the recent telephone system (which is going great by the way) do you have in mind? This is based on 1995		X ? →			
all applicable policies, procedures, d regulations, and consults with the supervisor concerning issues, l problems or developments.	Peggy effectively follows all procedures of the job. She brings all applicable issues to her supervisors attention on a timely basis.			X		
finished goods inventory count and ation.	Peggy has become a very effective count team member and does considerable research to resolve inventory issues. (List items she counts. Also - what are some of the resolved items she has found		X			

erformance Analysis

I. FUNCTIONAL/TECHNICAL EXCELLENCE

PLANNING AND ORGANIZING

	DEVELOPMENTAL	EFFECTIVE	X COMMENDABLE	DISTINGUISHED
...to properly organize and ...e assigned activities. ...not utilize resources ...ly. Does not properly ...e work.	Organizes and manages most phases of routine tasks well. Usually establishes plans which outline requirements and target dates. Requires some assistance and follow-up on complex assignments.	Plans and manages all phases of assignments well. Carefully considers time frames to maximize operating efficiency.	Demonstrates a high degree of skill for organizing and managing even complex assignments. Maintains high efficiency by establishing project schedules to ensure maximum utilization of available resources.	Extremely skilled at developing and scheduling even the most unique and complex assignments. Maintains exceptional efficiency and productivity by allocating resources with unusual effectiveness.

XAMPLES: Daily organization of shipping schedules, including shift of focus from two shift operation to one shift. Instrumental in scheduling of cross docks to ...ize JIT. Matches customer direct shipments with production schedules.

CONTINUOUS IMPROVEMENT

DEVELOPMENTAL	X EFFECTIVE	COMMENDABLE	DISTINGUISHED
...not try to improve ...ncy of activities. Does ...ntribute any new ideas or ...stions.	Looks to improve effectiveness and efficiency of activities. Needs guidance in implementing alternative methods which will improve the quality of business processes.	Seeks to improve business processes through application of best practices/competitive intelligence. Implements alternative methods which enhance efficiency, quality and service.	Skilled in identifying, positioning and developing improved business processes and interactions. Consistently strives to implement alternative work methods that significantly improve productivity, quality and service.	Excels in developing creative methods to maximize business effectiveness in terms of cost, quality and service. Unique ability to position and implement improvement concepts in all aspects of business processes and interactions.

XAMPLES Implementation of more efficient paperwork flow for cross docking. Design of pallet ticket format for cross docking to mesh with current traceability. ...n whereby code breakdown for shipments also relieves inventory in one step.

FINANCIAL MANAGEMENT (IF APPLICABLE)

DEVELOPMENTAL	EFFECTIVE	COMMENDABLE	DISTINGUISHED
...if ever, monitors ...ses or maintains cost ...ls. Continually exceeds ...et.	Usually maintains cost controls but, at times, exceeds budgetary limits. Requires some assistance in identifying opportunities to reduce or avoid costs.	Maintains effective cost controls and rarely exceeds budget. Readily produces strategies for reducing or avoiding costs without compromising quality.	Skilled at accomplishing objectives while operating within budgetary constraints. Always looks for opportunities to improve the bottom line while increasing quality and service.	Excels in managing costs through the judicious use of resources. Can be counted on to find innovative methods to reduce costs and eliminate waste.

XAMPLES: N/A

II. TEAMWORK/CROSS-FUNCTIONAL EFFECTIVENESS

TEAMWORK

DEVELOPMENTAL	EFFECTIVE	COMMENDABLE	DISTINGUISHED
...aware or responsive to ...eeds of coworkers, ...ers and outside agencies. ...to cooperate in the ...ange of information with ...rs. Unable to get along ...ce-workers.	Maintains good relationships and contacts in support of business activities. Needs some help in resolving problems or gaining acceptance of ideas or plans.	Maintains and improves rapport with outside agencies, clients, and coworkers to promote company interests. Successfully avoids unnecessary confrontations by resolving differences of opinion.	Actively develops and maintains productive business relationships. Skilled at encouraging open and constructive communications to solve problems or promote ideas. Gains lasting commitments from others.	Exceptionally adept at encouraging collaborative efforts and obtaining enthusiastic commitments. Highly successful in supporting business efforts through understanding of client needs and company capabilities.

XAMPLES: Needs to expand the communication process between Seville and corporate distribution to positively impact the order change system and the ...rting of cross dock availability. Communicates well with hourly employees to facilitate the shipping process. needs to take the lead in reduction of T charges but investigating causes/reasons as to why they are occurring.

CROSS-FUNCTIONAL EFFECTIVENESS

	DEVELOPMENTAL	EFFECTIVE	X COMMENDABLE	DISTINGUISHED
...ordinate r...ajor ...with other functional ... Does not understand ...ctional implications of ...	Follows through on most cross-functional efforts. Usually communicates issues and impacts of activities to increase awareness. Has some difficulties in the implementation of major cross-functional activities.	Successfully implements cross-functional goals. Readily communicates issues and impacts of activities and encourages participative decision making.	Actively develops and follows through on cross-functional objectives. Skilled at communicating issues and impact of activities and developing strategies to combine processes and capabilities. Fosters participative decision making.	Excels at facilitating the development and successful execution of cross-functional objectives. Unu...ally skilled at influencing issues and impact of activities through participative management.

...LES: Greatly expanded role in inventory process and reconciliation. Trained hourly employees to function as a back-up for her and did much training to ... hourlys knowledge and hands on ability in computer systems. → in material handling and PC

III. PERSONAL/EMPLOYEE DEVELOPMENT

PERSONAL DEVELOPMENT

	DEVELOPMENTAL	EFFECTIVE	COMMENDABLE	X DISTINGUISHED
...ivated to learn new ... Does little to identify and ...erformance ...s. Does not seek ...ve feedback.	Expresses desire to develop job skills through participation in professional development activities, yet requires prodding to develop an action plan. Usually seeks feedback and assistance.	Develops job skills through professional and personal development activities. Motivated to reach a higher level of performance. Asks for constructive feedback.	Takes advantage of opportunities to increase potential for advancement through pursuing challenging work assignments. Seeks coaching and feedback.	Manages career development to maximize growth potential through self-initiated experiential and formal learning. Proactively seeks the advice and counsel of more skilled and experienced individuals.

...LES. Completion of Associates Degree in night school during extreme transition in both her work life and personal life. Very focused on advancements in ...gy as it affects her job, and willingness and desire to learn more. ☺ So far so good BUT - has he done any of this? If so, please write it down. need super-strong examples to support

EMPLOYEE PERFORMANCE (IF APPLICABLE)

	DEVELOPMENTAL	EFFECTIVE	COMMENDABLE	DISTINGUISHED
...identify or ...cate work goals or ...ce expectations to ...es no effort to define ...ment standards.	Develops goals and objectives, but may not always achieve commitment from subordinates. Standards for measuring performance are not always clearly defined.	Provides specific, measurable and relevant objectives for subordinates. Obtains their commitment to objectives and standards. Performance measures are clearly defined.	Ensures that clear, measurable work goals and performance standards have been defined for staff's major activities. Skilled in obtaining commitment to objectives and standards.	Excels in developing goals and objectives which are always specific and attainable, yet challenging. Obtains commitment to objectives and standards by actively involving staff in their development.

...LES N/A

EMPLOYEE DEVELOPMENT (IF APPLICABLE)

	DEVELOPMENTAL	EFFECTIVE	COMMENDABLE	DISTINGUISHED
...to assist employees ...ing development ... Does little to provide ... opportunities, ... performance or ...edback	Supports subordinates' efforts to further develop job skills through participation in professional development activities. Needs assistance in identifying development needs, formulating plans and applying coaching techniques.	Participates with subordinates in the identification of development needs. Encourages their participation in professional and personal development activities. Provides follow-up coaching and reinforcement.	Skilled in helping employees identify development needs. Regularly provides opportunities to further develop through coaching, reinforcement, challenging work assignments and other learning opportunities.	Exceptionally effective in identifying development needs and encouraging/supporting the individual growth and development of subordinates. Displays interest, enthusiasm and inspires subordinates to achieve their fullest potential.

...LES N/A

LEADERSHIP EFFECTIVENESS (IF APPLICABLE)

	DEVELOPMENTAL	X EFFECTIVE	COMMENDABLE	DISTINGUISHED
...communicate a ...mmitment to goals ...n plans is not ... Unable to ... delegate decision	Vision is usually communicated, but is not always clear. Has difficulty building credibility and developing the commitment necessary to achieve goals. Limits the ability of others to make decisions.	Communicates a clear vision and obtains commitment to goals and action plans. Establishes and maintains credibility and provides others with decision making opportunities. Individuals are motivated to perform.	Develops and communicates a clear vision which promotes commitment to goals and action plans. Builds credibility, trust and mutual respect. Delegates decision making authority. Is able to create a leadership environment wherein individuals are highly motivated to perform.	Extremely effective at creating and articulating a clear vision which inspires commitment to goals and action plans. Highly skilled at building confidence by empowering others with the authority to make decisions. Successful at creating an environment of individual self-motivation.

...LES

...ively trained hourly employees to become more systems oriented using PC programs within the department.

PERFORMANCE SUMMARY

Peggy has continued to do an excellent job on all of her job responsibilities and objectives. She has excelled in other as as required as a result of changes within the organization. Her steady performance has allowed the department to ction efficiently in all areas.

Peggy is a strong-willed person who can at times be intimidating in her dealings with others, both at Seville and outside the plant. She has the knowledge and skills necessary to perform her job, but needs to acquire more tolerance and patience when dealing with headquarters personnel and potential copacking customers

	DS	CM	EF	DV	DF
ERALL RATING			X		

DEVELOPMENT PLAN

Refer to the Performance Analysis and Development Planning Guide to identify strengths and development needs.

ngths: ning nizing lem Solving lifying Opportunities	Needs: Technological updates and appropriate training Teamwork concepts

ACTION PLAN Training Programs, Job Assignments, Coaching Activities	Targeted Completion Date
CTIONAL/TECHNICAL EXCELLENCE into planned bar coding technology. ify uses and action plans for new technology. frame interfacing Parking potentials for 1996 could require development of new contacts	ongoing ongoing ongoing
MWORK/CROSS-FUNCTIONAL EFFECTIVENESS stronger relationships with distribution personnel. stronger role in leadership of the department. - Facing the prospects of reduced volumes may require the taking on of additional responsibilities	June 96 ongoing
SONAL/EMPLOYEE DEVELOPMENT ptability ~~- Facing the prospects of reduced volumes,~~ Setting	

iser Signature	Date	Approval Signature	Date
oyee Signature	Date		

Employee Comments

For additional comments, please attach addendum.

EXHIBIT #16

Madigan, Margaret

From: Valaitis, Maryellen
To: Madigan, Margaret
Subject: Performance Review
Date: 09 of December,1996 12:41

Peggy:

Just a quick follow up to our brief conversation this morning. I checked your personnel file and you did sign off on your 95 performance review.

We will file away the 96 review prepared by Bob Byers.

Again, apologize that Darrell did not provide you a copy of the review earlier.

If you have any questions or concerns, please let me know.

D

CONTACT AND COUNSELING FILE OF PEGGY MADIGAN

SUBJECT: DATES AND REASONS FOR ONE ON ONE CONTACTS OR DOCUMENTED EVENTS
DATE: 1996 CONTACTS
MANAGER: TIM AULT

9-3-96 Conversation held with Peggy to convey upcoming plans of renovation to the shipping office. During this meeting Peggy was asked to move back to her original location in the shipping office so Darrell Krueger could move into the office she was using. Peggy moved into Bob Byers vacated office during the summer for reasons she indicated were for her health. She stated that the office was more suitable to her because she could control the conditions of her environment, i.e. no-smoking and temperature. During my conversation with Peggy when I asked her to relocate to her original location, I informed her of the changes that were to take place in the shipping office complex.

1) No-smoking would be mandatory.
2) A new ceiling and lighting upgrade would be installed.
3) The walls would be repainted and the area cleaned.
4) Temperature regulation would be improved as well as general air flow in the room.
5) The Plant Engineer's office would be relocated in the area.
6) Darrell Krueger to move into Bob Byers old office.

Peggy indicated that she would move back to her normal location and was pleased that the area was going to be improved.

9-18-96 Conversation held with Peggy to set an expectation of overtime notification Peggy had been turning in weekly time sheets to me with overtime marked on the card. There was no explanation given nor was there any verbal request or explanations made to me. I asked Peggy to let me know when she either planned to work overtime or when she had worked it, so I could plan for the overtime and be prepared to discuss it with Mark if he should request an explanation of the overtime. Peggy responded as to why I would want to know? I indicated that I wanted to be able to support her time if I could reduce the work load that was causing the overtime to be worked. Peggy then asked if she could take her work home with her so she could do it in a quiet setting. I do not support taking work home since the resources necessary to do the job are here. I stated that I would not support taking work home at this time. My decision may change in the future once I understand what transpires within the shipping and inventory reconciliation function. Peggy was not happy with my answer and did not understand why I was making such a big deal out of this. I responded by reiterating that I am foremost concerned with her work load and want to do whatever it takes to support her in her role. I summarized the meeting again by asking for her to let me know when she plans to or has worked overtime. I do not want to be surprised by overtime marked on a time sheet.

10-9-96 Conversation held with Peggy to follow-up on the 9-18-96 meeting expectation of notification of overtime. Peggy turned in a weekly time sheet to me that had overtime marked on the card but she had stated that, "My boss, Tim Ault, told me that he was no longer authorizing or paying for overtime worked." I took the time sheet to both Maryellen Valaitis and Mark Perkins for reference on how to address the situation. It was agreed that I should go back to Peggy one on one and ask why she wrote what she did on her time card. I asked Peggy why she wrote what she did on her time sheet considering that we had just met a few weeks back to discuss this very issue. I asked her to tell me exactly what she heard me say during the 9-18-96 meeting. Peggy indicated that I banned her from working all overtime and would not pay her if she did. She stated that when I banned her from taking work home it was because Mark Perkins told me to tell her that. She followed up with the statement that she is the best employee this plant has and that Mark and I were trying to burden her to the point where she couldn't do her job. I pulled out my

RESPONDENT'S NOTES

D, O

PLAINTIFFS EXHIBIT

notes from the 9-18-96 meeting and again reviewed them with her. I stated again, it is not a matter of her working overtime that is considered to be the issue at hand. It is an issue of not communicating with me regarding why the overtime needs to be worked or why it was worked. I set the expectation again for Peggy to notify me of overtime needed or overtime worked. I am flexible enough that I do not even need to be notified 100% prior to the overtime being worked. I simply want to know when and why, prior to the time sheet being turned in. Once again I restated that the overtime work is not why we are having these meetings. I simply want to be able to better understand what she does and by doing so, better enable her to do her job.

10-24-96 Peggy reported for work on Tuesday, 10-22-96, and could not log onto her computer. Work was being completed on the new Plant Engineer's office beside Peggy's desk. Peggy began crying and yelled out at Mike Morelle, shipping employee, and then left work. She did not officially log into her computer and I had to use my password for the shipping employees to use during the day. Peggy's password expired and the computer could not be accessed until it was reset by the help desk. Peggy then reported off from work the following day. When she returned on 10-24-96, I approached her and told her what had to happen to get into her computer. I also asked her why she left work and didn't tell me. She stated that she was under way too much stress, and that it was just best for her to leave for the day. I told her it was inappropriate for her to leave and not let me know, or give someone else the responsibility for answering the plant incoming phone calls. Peggy did not respond but simply continued her work.

11-25-96 A meeting was held with Peggy to discuss her working overtime without notification to me. This is the 3rd time this topic has been discussed with Peggy. I anticipated that Peggy would be upset with me so I asked Maryellen Valaitis to set in on the meeting as a witness. I began by going back over the prior two meetings with Peggy to review my expectation of overtime notification. I then showed Peggy her time sheets where she had worked overtime and had never notified me of such. Peggy became extremely defensive and indicated that I do not have any right whatsoever to question her on why she works overtime. She again began to state how valuable she is to the Nabisco organization and this plant. She indicated that she is doing the work of four people and that I should be happy that she is doing it so well. Peggy said that not a single person in this plant knows what she does and if she left, the shipping department would not function. I broke in and brought Peggy back to why we were having the meeting in the first place. I want to know why she has to work overtime and how I can help reduce her work load. Peggy stated that I don't care about her but only want to eliminate her overtime. I revisited two situations where I did respond to her needs or request.
1) Condition of the shipping department. (Smoking, temperature, and swearing)
2) Her request to alter her work hours so she could attend to her father in the afternoon.
Peggy fired back that "legally" we had to honor her requests for altering her work times so she could assist her father. Maryellen then stepped in and reminded Peggy that "legally" we could have made her file her request via the Family Medical Leave route. But instead, we choose to acknowledge her request in a much simpler and humanistic way. She asked, we granted. Peggy then stated that it was not her that wanted smoking eliminated in the shipping office. It was Jean Bolling, the new scheduler. I reminder Peggy that was one of the reasons she used to move into Bob Byers old office. Smoking was one of the irritants that she claimed bothered her M.S. condition. I indicated to Peggy that this violation of a basic communication expectation has now become a performance issue and would be noted during her review. I then restated the expectation of overtime notification to Peggy. She refused to comply and indicated that a one time blanket notification would be sufficient. And if I was so interested in information from her, I could come to her and get it. She would not take the time out of her busy day to update me on shipping events or overtime situations. Peggy then stated that she would fix this once and for all without having to notify me of anything. She would simply stop working the overtime. I then responded to her that by doing this would only spite herself and not resolve this conflict. I still must have communication from her as to events taking place within the shipping department. Two listening checks were performed on Peggy to have her indicate what she had heard in the

meeting. Once again she responded that I am taking away her overtime. At this point, it was obvious to myself and Maryellen that the meeting was not improving and that Peggy had missed the entire focus of all three meetings. I indicated that the meeting was over. But the expectation of overtime communication was still in place and would be taken seriously.

1997 Meeting Documentation File For Peggy Madigan

Production Manager: Tim Ault

January

Tuesday 1/7/97 - Confronted Peggy regarding the medical status report in her file. The file documentation did not indicate that Peggy had a medical condition diagnosed as MS However, during conversation with Peggy, the MS diagnosis surfaced on several occasions as to why she needs certain requirements such as climate controlled working conditions within her work area. At this time Peggy indicated that she has a Dr. appointment on January 24, 1997, at Cleveland Clinic to be tested.

Wednesday 1/15/97 - Gave Peggy a copy of the job accommodations request form and her packet for completion of her performance self appraisal. I asked Peggy to complete her self appraisal, position description, and job analysis profile. I also covered the job accommodations form and asked her to complete it with her Dr.

February

Tuesday 2/4/97 - Met with Peggy to discuss her responsibilities for completion from the warehouse / crossdocking meeting. Peggy is to input accurate arrival dates of all inbound orders into B1 using the ON20D system. During this meeting I asked if Peggy had any follow-up for me regarding her Dr. appointment on January 24th. Peggy indicated that she did not have anything at this time but was scheduling a follow-up appointment with her family Dr. to review the results from Cleveland Clinic. I also asked if she had any follow-up on the job accommodations form as well. She does not at this time.

Thursday 2/20/97 - Met with Peggy to discuss reconciling an ongoing inventory balance discrepancy with Knox 3500 / 3502 products. Peggy was asked what she needed from me in the form of resources or time to reconcile / search / locate the missing inventory. Peggy responded with the need for quiet time. I asked Peggy if she could come in to work on Saturday, 2/22/97, to spend a quiet day in the process of looking for the lost inventory. Peggy responded that she could not work weekends and that she was not going to work any overtime to locate the product unless I instructed her to do so.

Tuesday 2/25/97 - Met with Peggy to follow-up on her statement of no weekend overtime work. She indicated that working the 5 days during a regular work week is difficult enough for her considering that she has MS, and that an additional day would be too much for her physically. She indicated that she would plan to locate the product through the week. Peggy also indicated to me at this time that Mike Morelle needs to pay closer attention to checking the load tally sheets. Apparently Mike had made a couple of errors and disagreed with her with why this needed to be done. Peggy asked if I would convey to Mike the importance of accuracy on the tally sheets.

March

Tuesday 3/11/97 - Met with Peggy to issue her performance review. Asked Maryellen Valaitis to sit in on the process. Peg's review was covered off. Peggy was reviewed as Developmental based on 1996 results. Please reference the appraisal for additional details on the review. Peggy responded that the decline in warehouse performance had nothing to do with her. Basically the issues were all someone else's fault. During this meeting, Peggy indicated that she had been Sexually Harassed by the Schneider shuttle driver, Bob Saunders. Peggy stated that back in September, 1996, Bob had approached her at her desk and propositioned her with a sexual request. Peggy stated that she refused him and he got mad at her and was going to make her job more difficult. She said that Bob began to make up lies about her and brought them to my attention to get her in trouble. I asked Peggy why it took her this long to bring this to my attention. I also indicated that we would get back together to discuss this issue but need to complete the performanc

PLAINTIFF'S EXHIBIT 8

appraisal. At the close of the review, Peggy signed her review but indicated that she was going to publish an attachment voicing her disagreement with the review documentation. Peggy stated that Maryellen and myself should be ashamed in the face of God for giving someone such a horrible review and raise. I summarized the meeting by indicating that we as a group, must get back together to discuss the sexual harassment allegation made by Peggy.

Friday 3/14/97 - Met with Peggy and Maryellen to discuss the allegation of Sexual Harassment made by Peggy against Bob Saunders. I asked Peggy how Bob physically harassed her via a sexual nature. Peggy stated that Bob approached her desk and asked her if she would like to come to a toy party at his house. He allegedly indicated that he was going to be the toy. I questioned Peggy as to her response and she said, "In your wildest dreams." I asked Peggy why it took so long for her to bring this information forward. She stated that she did not want to get anyone in trouble and felt that she could deal with it. But when she turned Bob down, Bob got mad at her and brought false info to myself regarding Peggy to get her in trouble. We discussed why it is so important to not accept this type of behavior and put together a plan to correct this situation. 1) Bob Saunders will be invited to the communication meetings in April that deals with Sexual Harassment in the work place. 2) Peg's work area will be opened up by removing the file cabinet enclosures that she has placed around her desk. This way it is more difficult for someone to sexually harass her when she is out in the open.

Friday 3/21/97 - Peg's work area is redesigned by removing all the file cabinets to the walls and opening her work site up to eliviate the enclosed area.

April

Friday 4/4/97 - Met with Peggy to discuss the action plans from her review. A T-Change tracking sheet was developed for Peggy to use in determining and pursuing corrections as to what is causing T-Changes to daily orders. Peggy was encouraged to continue attending and contributing to the weekly staffing meetings held on Wednesdays. She also needs to continue publishing the weekly shipping status report on outbound shipping performance. Peggy also must keep an updated Tracer log available for staging loads. Peggy and I will meet once a week to go over these plans and pursue improvement in communications and base warehouse performance. I questioned Peggy as to why she was telling other people in the plant that she was going to be fired in three months. She stated that she was very nervous about her review and that she needed to vent on someone the frustration of getting a bad review. I also asked Peggy why she was parking in the plant handicapped parking spot. She stated that her Dr. gave her the handicapped accommodations because how tired the heat of the summer makes her while she walks into the plant, and that winter weather is extremely difficult for her to walk around in. I asked Peggy if she had any follow-up from her Dr. on her testing she had performed back on January 24, 1997. She stated that she did not but needs to get with her Dr. to go over the results and fill out the job accommodations form. However, now that her area has been organized, things are much better and she may not need any accommodations / changes made to her area. A follow-up meeting was scheduled for Friday, April 11, 1997, to continue the review process of her action plans.

Friday 4/11/97 - Met with Peggy to follow-up on status completion of the Performance Review Action Plans. Peggy had reported off for work on 4-7 & 4-8 of this week. The following items were covered.
1) Improving clean order % by reducing t-changes: Summary: Peggy had made copies of the t-change tracking sheet and was going to share the report during the weekly Wednesday staff meeting on 4-9-97. She was not called upon and did not speak up to share her info with the group. Peggy also did not have any t-change tracking data on the report. Issues from the previous week had not been analyzed and categorized as to the reason. Missing the first two days put her behind schedule. The plan is to have the t-change info weekly and categorized into assignable causes.
2) Communications: Peggy is to improve Tracer system accuracy and report in-bound / outbound info to myself weekly. The shipping performance of material movement was incorporated into the weekly t-

change tracking report. Peggy has not delivered that info to me for the past two weeks. This info as was covered above is critical to execution of the action plan identified in her performance appraisal.
3) Develop a productive working relationship with accounting: Inventory is scheduled on 4-14 and will be a solid assessment of how info is being shared from the warehouse to accounting regarding MSO's and shipping records of outbound orders. Peggy needs to continue pushing back on the warehouse employees for accuracy on finished goods transfer paperwork.
4) Participate in weekly production meeting: Peggy is attending the meeting but is hesitant in contributing. Peggy needs to begin involving herself in these meetings outside of just being there.
5) Openly communicate: Peggy is doing a better job of communicating but is not doing so independently. Information is shared but only upon request. Issues continue to flare up where communication is not being shared with myself that should be brought to my attention, i.e., Sexual Harassment, warehouse team member performance complaints, and load cancellations.
The last item that was again covered was the status of Peggy's request for work station job accommodations request. This issue has been ongoing for quite some time. Once again I stated that I cannot support her until she supports me with info and follow-up from her Doctor regarding January's testing at the Cleveland clinic. A follow-up meeting was set for 4-18-97.

Tuesday 4-15-97 - A meeting was called with Jean Bolling, Bob Gallatin, Peggy Madigan, and myself, to put together a start-up plan for operations on 4-21-97. We were planning for what the plant would commit to deployment for off the line production on that date. This meeting was intended to communicate to CarolAnne Laufenberg what she could expect to deploy from Monday's start-up production. Prior to this discussion, I announced to the group that the plant had just closed the Primo Pasta crossdock product initiative and that our warehouse operations was going to grow. I also indicated that it was exciting to see the warehouse produce positive gains this year not only in performance numbers, but also in being a profit center for the plant with crossdocking. With this announcement, Peggy dropped her head and indicated to the group that this will never work! We as a plant will mess it up. We can't handle what we are doing now little lone bring in more work. I asked Peggy why she would say this? Peggy response was that the additional product would require additional warehouse employees and that Management would not add any more help. I stated back to Peggy that at this time, you do not even know what the volume of product will be. It could be 1 pallet a year or 10,000. Until we know the facts, let's not shoot this down. I indicated that Peggy and I need to discuss this one on one because I would not accept a member of my staff being objective to growth of our business. The meeting continued regarding the deployment planning of start-up products.

Monday 4-21-97 - A meeting was held with Peggy to discuss 5 topics associated with performance.
1) Teamwork - During the 4-15-97 meeting noted above, Peggy expressed concerns about bringing in additional crossdock products. This was discussed today with Peggy. The primary concern was the impression that Peggy left with the two other people in the room. It was conveyed to Peggy that negativity in the face of growth will not be accepted or tolerated. We also discussed that teamwork was a key to her successful turnaround as a member of the Seville salaried team. By coming across as adversarial to her peers, it was making the transition very difficult.
2) Communication - Peggy was not being timely in delivering the weekly shipping summary to me. The t-change sheets are coming in late. The report is now electronic and Peggy simply needs to update and return to me. It was discussed how corporate is tracking our results and it is imperative that we have good data to present back as to why we had discrepancies.
3) UPS / FedEx dock acceptance - Most recently, items that were shipped into the plant via UPS, ect, have not been handled well in plant post acceptance. Uniforms have disappeared, safety awards spoiled on the dock, items left sitting on the dock, and people not notified of receipt. Peggy was informed that this is a serious responsibility and we must execute the receiving procedure flawlessly. The procedure is to visually inspect what is being delivered to verify contents, sign for the delivery, and make arrangements for the delivery to be removed to the designated person / department that was receiving the package.
4) Medical documentation - Over the past 7 months that I have been working with Peggy the theme of medical condition and work space accommodations have been brought up over and over. This meeting was to communicate with Peggy that I have for the last 7 months been patient and supportive of her while

these issues were presented to me. I indicated that today would be the last time we discuss the matter until she is ready to prove the matter with a Dr. slip and completed job accommodations form. I want to devote our time to actions that we can control in plant to improve shipping performance. Peggy was OK with this and thanked me for the support that was given over the past months.
5) Timeliness - Peggy was very late in returning to me the follow-up responses to her performance review. It was discussed that items such as this, should be very timely and not kept to the last minute.

The last item that was discussed with Peggy was her desire to move forward. I indicated that significant performance changes were required for her to maintain employment with Nabisco per the performance review. I asked Peggy that if she did not feel that she was going to be able to close the gap that I could help her out with a transition package. Peggy not only did not want to go that route, but was very determined to turn the corner and make things right. We concluded the meeting by planning the next review meeting.

May

Thursday 5-1-97 - Meeting held with Peggy to review activity against her performance review plan. Peggy has begun to show improvement in various categories associated with her performance. T-change tracking sheets have been timely for 4-21 & 4-28 with accurate data to verify the numbers. Inventory reconciliation went very well in that Peggy had answers and responses to every issue except for one. regarding discrepancy resolution. The summary process was smooth and timely. Peggy also has begun pushing back on corporate deployers on crossdock and plant finished goods deployment. Product 7172 was being deployed to orders and was not yet received by the plant. It had not even been produced by the co-packer yet. Peggy caught the mistake and pushed back on deployment and food service to make the corrections. Peggy's attitude and responses were well organized and timely. Peggy's attitude was very positive and lively. Determined to make a positive change to performance. The meeting summarized and we planned our next meeting for the 9th.

Tuesday 5-13-97 - Meeting held with Peggy as a follow-up from the 5-1-97 meeting. Overall warehouse numbers continue to show a positive trend in performance. Peggy needs to continue working with CarolAnne in product deployment to further address T-Change issues. As a meeting summary I indicated to Peggy that performance issues must continually be addressed. Peggy seemed to be encouraged by the plan progress and did not ask for any further information regarding a transition package.

Thursday 5-29-97 - Meeting held with Peggy was a brief review of progress against the developmental plan. The meeting was interrupted when Jean Bolling indicated that she needed to leave due to an illness. Peggy and I summarized and scheduled a follow-up meeting for June 2, 1997.

June

Wednesday 6-11-97 - The 1st quadrant of Peggy's developmental plan was reviewed with a rollout of new action plans and expectations. The Q1 performance experienced a slight improvement in overall action plan status. Peggy is showing signs of improvement in the warehouse functional categories such as T-Changes and On Time Shipping. Please reference the performance summary of the 6-11-97 action plan review. Peggy's performance in the areas of teamwork and communications have not shown signs of improvement required by the developmental plan. Peggy continues to struggle when dealing with interplant accounting members and corporate deployment. Communication continues to be routed through me instead of going directly to or from Peggy. The new action plans outlined in the Q2 plan focus heavily on creating communication chains between Peggy and corporate deployment, accounting, and myself. Peggy's focal action plans will be to improve the functional relationship with CarolAnne Laufenberg to address clean order performance and overall warehouse communications. The second area is to train Mike Morelle on the shipping clerk functions so he can better and more accurately perform the clerical function in Peggy's absence from the desk. This action plant is to also improve Mike's accuracy

in the mornings before Peggy comes to work. This way Peggy does not have to go back and check Mike's work which puts her behind schedule. Peggy asked whether or not in September we were going to get rid of her. Her impression of the developmental plan was one that would end in termination of her employment. She also indicated that by training Mike to do her job also made it easier for the company to fire her. I responded to Peggy's concerns with the following. 1) The company does not wish to separate or terminate her employment. However, if performance issues noted on her performance reviews do not show signs / evidence to support continued employment, then the decision would be made to end employment relations. 2) This is Peggy's choice. She can either fulfill the conditions of the developmental plan or not. If "not", then her chances of maintaining employment was slim at best. 3) The request to train Mike was originally hers. Her complaints that Mike was "screwing up" and making her job more difficult, was what drove this category for an action plan. I then explained to Peggy that it is not my desire to terminate her employment. It is my desire to fulfill the actions from the developmental plan and improve performance. The process involved would be rigorous and very challenging. I summarized the meeting by re-extending the invitation for a separation package for Peggy. I also gave her the opportunity to go to Maryellen Valaitis for clarification on any topic that we had discussed.

Friday 6-27-97 - Meeting held with Peggy to go over a few items associated with her activities surrounding the developmental action plan. The items discussed were, warehouse key performance measurements associated with clean orders, Inventory reconciliation process, and communications. Warehouse KPM's: The clean order % is showing improvement in comparison to the first 3 months of 1997. However the function of dealing with replacements has not changed. Orders still continue to be processed in an "Un Clean" manner which generates more paperwork for Peggy to locate and incorporate replacements into her daily routine. In an attempt to correct this issue, it was discussed with Peggy that the process of reviewing a bill must be performed prior to going status 30 and to do this, we must work with Carol Anne, product deployment, to understand the order entry process. Peggy has made little effort to improve the inventory reconciliation process. Inventory discrepancies continue to mount especially around Knox finished goods. Discrepancies are being deferred to a trailing month instead of being researched and addressed. Communications continue to be a struggle for Peggy. Overtime needs are not communicated either prior or post overtime fulfillment. Peggy simply refuses to communicate her work needs to me but chooses to work the overtime and assumes that I should automatically know what she was doing. The action plans from her developmental plan were once again reviewed and the meeting was closed.

JULY

Wednesday 7-2-97 - Meeting held with Peggy to discuss an event that took place during the Wednesday Production meeting. In that meeting, Peggy openly attacked Danette Cozart for not including her in any of the Safety Day events. Peggy even went to the point that she didn't know anything about the day at all. The follow-up meeting with Peggy discussed the following items:

1) Peggy's communication in the Wednesday morning meeting confirmed that she is not improving as a Team Player. To the point that Peggy's actions were counter productive to building working relationships within the plant. Peggy never bothered to involve herself or ask what she could do to help out. As a fact, Danette did not include Peggy simply because Peggy has constantly complained that she never has enough time to get anything done. Peggy embarrassed Danette in front of the plant salaried staff and showed no sign of remorse. The request should have been handled with Danette one on one.

2) Peggy communicated to the plant salaried staff that everyone needed to tell her what their schedules were and every time that we were going to leave the plant. She was tired of dealing with all the emergencies and could never find anyone. The follow-up to Peggy was again the same situation of alienation. Peggy pushed everyone away with her request. She brought value to herself while attacking everyone else. Peggy should have asked for a better way of communicating our schedules when we are out of plant so she can effectively communicate with others that call into the plant.

3) Peggy also communicated that the deployment process of order entry was going to change. More importantly she verbally attacked both Mark Perkins and Derrell Krueger, prior production mgrs., that

they never listened to her and never helped correct Unclean Order issues. The only one that ever listened to me was Tim Ault, "ME". Peggy explained that she was going to be able to perform her tricks and make the orders clean. The way Peggy explained the process was incorrect. What was going to actually change was how we as a shipping department view and provide input on the orders. The "Trick" that Peggy must perform is an act of communication with CarolAnne Laufenberg. This is an area that Peggy has difficulty with.

Meeting Summary:

1) Peggy further placed herself into a Non-Team Player role.
2) Embarrassed and humiliated Danette in front of her peers.
3) Enhanced the negative perception with Mark and other members of the staff.
4) Attacked prior production managers with a lack of support.
5) Info shared on deployment changes was incorrect.

The meeting ended with the following statement made to Peggy. Today is a physical example of you not meeting my expectations. I do not see you being capable of meeting my short term and or long term expectations. The road we are current on will not sustain your employment with Nabisco. I do not see you making positive performance changes in attitude / team work to meet the expectations of the development plan. If you want to exit Nabisco right now, without going through the process of termination, let me know. I can arrange for a transition package to be made today. If you choose otherwise, a guarantee of a package is not assured if your employment is terminated.

Thursday 7-3-97 A meeting was held with Peggy with Mark Perkins, Plant Manager, Maryellen Valaitis, H.R. Manager, and myself, in Mark Perkins office. The meeting was designed to ensure that Peggy was hearing and understanding everything that has been going on with her for the past year. Peggy indicated that she was not being communicated to by myself of her poor performance and lack of teamwork issues. Mark indicated to Peggy that the situation was extremely serious and that her performance has and is unacceptable. Peggy's response was that "no one has ever told me this. This is a huge shock to me." Mark summarized the meeting and indicated to Peggy that he is supportive of the role that I was providing and would continue his support of me as we progressed through this process.

Friday 7-11-97 A meeting was held with Peggy to discuss compliance to the steps outlined by her development plan and subsequent warehouse meeting. The following items were discussed.

1) Cover off the action plans from the 7-9-97 warehouse meeting that Peggy is responsible for. Peggy is to review the ON 20 C and D reports for inbound appointment making for crossdock products. Peggy is to also communicate with Tracy Lea, Food Service Distribution, and Monica at Schneider Trucking, on any discrepancies associated with inbound loads.
2) Daily review of orders prior to Status 30. Peggy is to print out the daily orders and review them with Carol Anne Laufenberg before they are firm, Status 30. This way Carol Anne can make order changes before they are considered T-Changes / Unclean Orders.
3) Communications: Peggy is to continue working on effectively communicating with Logistics / Deployment, Schneider Trucking, Accounting, Myself, and others within the facility. Communications with HQ personnel should be by E-mail first, then phone / fax.
4) Training Mike Morelle on how to cover the clerk's desk. A plan should be submitted to me by 7-16-97.

The meeting was summarized that Peggy's performance must show improvement and be able to sustain the level as a change in performance long term for employment to be continued at Seville. A follow-up meeting was set for 7-25-97.

Friday 7-25-97 A meeting was held with Peggy to discuss where she is at with compliance to the performance improvement steps outlined in the developmental plan. The following topics were discussed.

1) A brief overview from the meeting held on 7-11-97 regarding any outstanding items left undone. The primary follow-up item was Peggy's plan for training Mike Morelle. It was due to me by 7-16-97, and was delivered on that date.

2) Peggy is printing the bills out and reviewing them prior to status 30. Peggy is also daily copying me and CarolAnne on any changes that needs to be made to the orders to make them clean. The key to this process working well is Peggy's ability to communicate with deployment effectively and timely to make changes before status 30. Two weeks of printing the bills and reviewing the inbound crossdock is too early to see the results. Peggy must continue to do this review daily and continue to develop the relationship with deployment to continue improving clean order performance. Peggy indicated that it is consuming allot of her time to do this. However, the process to address replacements is shrinking which saves additional time.
3) Peggy must continue to coordinate and work with Schneider / distribution on inbound appointments of crossdock products. Monica from Schneider had committed to fax inbound load status to Peggy for confirmation purposes. Peggy indicated that she was receiving the faxes and communicating with Monica.
4) Peggy needs to bring Mike Morelle up to speed on coverage of the traffic clerk's desk responsibilities. This has been an ongoing request that has produced very little as far as getting Mike trained. My point to Peggy is to get Mike trained in the event of her absence and or vacation time. This way, we don't lose any focus when she is out of the plant. Peggy indicated that she has been trying to show Mike some things about her job. The bottom-line is that Mike is unable to fully step in when Peggy is absent and perform her role satisfactorily.
5) Continue tracking T-Changes through the T-Change tracking log and post to me weekly.
6) Inventory reconciliation was much improved over prior months regarding the final case variances. The disappointment was in Peggy's approach to coordinating and scheduling the reconciliation process. A total of 19 items required further investigation as a result of the inventory. Peggy responded that we, and Mark Perkins should be grateful to her regarding the effort she put forth to find and locate all the inventory problems. I indicated that I would rather see the same effort placed up front to correct the problems prior to inventory as I would the effort placed against issues post inventory.
I summarized the meeting by stating to Peggy that the expectations for her to address changes in attitude, teamwork, and clerical performance must continue to improve. I indicated that it is going to be very difficult to do unless Peggy is dedicated to making change happen. I again asked and extended a offer to transition her out of the organization with a package. She refused. We scheduled a follow-up meeting for August 8th.

AUGUST

Monday 8-18-97: A meeting was held to discuss Peggy's progress against her developmental plan. This meeting was originally scheduled for 8-8-97, but due to scheduling conflicts and absences, the meeting was rescheduled. Listed below is a synopsis of the meeting.
1) Peggy has not complied with the request to coordinate and publish inventory reconciliation dates to myself and accounting. This request has been made for months and yet no published reconciliation dates have come from Peggy. I indicated to Peggy that I wanted to be involved in the location process associated with finding inventory variances. I planned a meeting with her for the following day to begin the location process. Accounting must have the information by Wednesday, 8-20-97.
2) The T-Change log must continue to be published to me on a weekly basis.
3) Daily printing / evaluating of bills two days out must continue. However, the practice of allowing the pick lists to be filled out from an unclean order must stop. Peggy was allowing orders to be staged off the copies that she was reviewing, even if they were dirty orders. This was creating issues with replacements and order staging process with the warehouse techs. Peggy stated that they should check the orders before they are staged. My response was that the bills must be clean for the techs to do their job with. It is her responsibility to make sure that we as a plant has done all that we can do to make the order clean before the loading pick list is filled out. I also indicated to Peggy that she must continue to make sure that she is appointing crossdock deliveries into the B1 screen. This is a notifier to deployment that we have made arrangements for unloading and they can begin to deploy the product out of plant. Peggy drew issue with this and stated that she appoints a delivery time only after she is notified or when it pulls into plant. What

this is causing is a severe back load of trailers in the system waiting to come to Seville. I indicated that we would verify with Tony Bruno what the correct procedure was for appointing crossdock into the plant.
4) Mike Morelle must be trained on the following items: How to print orders / inbounds, appoint inbounds, and evaluate orders for clean order status. This is to successfully backfill Peggy when she is absent from the plant.
5) General Concerns: The following general concerns were shared with Peggy regarding her activities.
A) Peggy began crying on the telephone while talking with CarolAnne about replacements. Peggy engaged in crying for approx. 1 1/2 hours. I indicated that she needed to gain composure quickly in that situation and continue her day.
B) Peggy didn't support me in a warehouse meeting when key warehouse performance numbers were presented to the employees. Just the Wednesday prior, Peggy was presented the same numbers but did not choose to disagree or challenge the numbers. A few days later, in front of the warehouse employees, Peggy verbally attacks the numbers stating that they were incorrect and that the system is to blame for our poor performance efficiencies. My concern is why Peggy didn't challenge the numbers sooner, but did so in front of the hourly techs. I indicated to Peggy that this was a situation in which she could show and share support with me, thus developing her teamwork skills, in front of the warehouse techs. Instead, Peggy further alienated herself through a lack of support.
C) Peggy continues to indicate to those around her that she is going to be fired or lose her job in September. I indicated to Peggy that this is a sign to me that she is not in agreement with performance management and is preparing herself and those around her for the day she is let go. Her lack of support and development efforts will be the first reason for her losing her job. Peggy must make the decision whether she wants to put forth the effort to maintain her employment. A critical step will be to stop communicating this end result to others around her and begin putting her efforts and energies against improving her performance.

Peggy responded that we, referencing myself, Maryellen and Mark, should be ashamed of what we are putting her through. We are adding so much stress on her that it is causing her health problems. Peggy stated that the developmental process is not needed and that we are doing the wrong things to get her to do her job. Both myself and Maryellen responded that this process is performance based, not personal. If Peggy can perform the job to the level of expectation established, then this process would stop. But until her performance does improve, we will continue to meet and review.

Friday 8-29-97 A meeting was held with Peggy to discuss actions results associated with Peggy's performance developmental plan. 3 primary topics were discussed. 1) T-Change reports. 2) Backfill training for the shipping clerk's desk. 3) Improper communications.

1) T-Change tracking reports are delinquent for three weeks. The weeks of 8-4, 8-11, and 8-18 were not documented and forwarded to me. It was a clear and plain expectation that these reports be compiled and forwarded to my attention weekly. Peggy responded that she was planning on sending them to me but didn't have time to do so. The expectation continues to stand for weekly submission of the report.
2) Backfill training for the shipping clerk's job has yet to be completed. The plan was for Peggy to fully train a backfill to cover her responsibilities when she is on vacation or absent from the plant. Peggy has not completed this task. This is a plan that Peggy has asked for over a year. Peggy has complained about the work performed by any backfill clerk's in her absence. Too many mistakes are made that she must go back and correct. I indicated that boundries would be placed around backfill training considering that Peggy was unable to complete a task that she herself has been wanting for years. Beginning Tuesday, September 2, 1997, I would make arrangements for 1 full-time person to be with Peggy for clerical responsibility backfill training.
3) Peggy continues to communicate to other members of the plant that she is going to be let go, "Fired" in September. During the last meeting, the expectation was rolled out that she should refrain from communicating her potential employment demise to her peers and begin to focus on actually improving her performance. Peggy responded that she hadn't signed any papers that would keep her from talking or telling anything to anyone. She then went on to say that others deserve to know what is going on.

Chances are, they might be next. I responded to Peggy that by indicating that she was going to be let go would be best replaced by talk associated with what she was going to do to improve her performance.

I summarized this meeting by indicating to Peggy that I did not see Peggy making performance improvements or displaying the attitude that she wanted to improve. I indicated that I was going to make the recommendation to Mark Perkins that at the close of Peggy's developmental plan period, September 12, 1997, that Peggy's employment with Nabisco and the Seville Plant, be terminated. Peggy responded that I am only the messenger of this news. She has been an employee here for twelve years and doesn't deserve this treatment. I responded that this is a performance related issue and that this meeting was concluded.

SEPTEMBER

Tuesday 9-2-97 During a staff meeting, I was informed by Maryellen that Peggy had approached her this morning demanding a written letter of termination and a review of her personal file. Maryellen and I agreed that we would meet with Peggy later in the afternoon to address Peggy's request.

4:00 PM: A final meeting was scheduled with Peggy, Maryellen, and myself, to cover off with Peggy her severance package and let her review her personal file. Maryellen began the meeting by restating Peggy's request from earlier that day. I then indicated to Peggy that her performance was not meeting my expectations and that as of today, September 2, 1997, her employment with Nabisco and the Seville Plant was terminated. I then turned the meeting over to Maryellen to explain the severance package. After explaining the package, Peggy was given her file for review. Peggy looked at the contents taking various notes. Peggy asked if this was the only file that we had on her and if we had removed any contents from this one. Maryellen responded that nothing was removed and what is it that you are looking for? Peggy responded, "You know what we are doing here." Maryellen indicated that Tim has kept his meeting notes. Peggy indicated that she took notes as well. Peggy asked several questions as to when she would be paid for vacation, gainsharing, and regular pay. The dates were explained to Peggy. Maryellen asked Peggy for any passwords that Peggy uses for her computer. Peggy initially was not going to hand over the passwords. After explaining that we could get the passwords through supervisory rights, Peggy handed over her passwords. After the file review was completed, Peggy was given her severance package paperwork. I then escorted Peggy to her desk for removal of any personal items.